App. F. IX-4

1926-17 (Legis)

File No. 2-9-16

Previous References
Legis. 14-70 (1966)
" 2A 703 (1967)

Serial Nos. 1 to 5

Later References
Legis 16-36-1

P-150

General and Revenue Secretariat.

Serial Nos. A collection of manuscripts

Part B for

SUBJECT

Amendment of the Mysore Excise Regn. I Regn V of 1904)

G. R. S. 11] 1915-16 Legis 29-16

GENERAL AND REVENUE SECRETARIAT.

(A)

NOTES.

File No. 154

FILE HEADING.

Amendments to the Excise Regulation

From

The Excise Comm^r in Mysore.

No. 384 Ac. 162	Dated 31/3/1916 8/4/1916	Received 5/4/1916. 14/4/1916
Diary No. 2668 1140	Enclos. 2 Spare Copies. —	Serial No. 142

BRIEF ABSTRACT OF LETTER.

Submits a draft bill to amend the Excise Regulation, with the statement of objects and reasons and states that the amendments proposed are in conformity with the law in force in Madras and that the introduction of the same is very necessary and desirable.

NOTES AND ORDERS.

1. The Excise Comm^r has proposed amendments to the Excise Reg^n, which are based on those introduced in the Madras Presidency. The Excise Reg^n mostly coincides with the Madras Abkari Act. The objects and

NOTES—First Sheet.

(2

G. R. S. 12]

General and Revenue Secretariat. SR File No. 154 of 1915.

Serial No.

reasons given by the Excise Comrs are almost the same as those in the Fort St. George Gazette of the 3rd Sept^r 1912 (Part IV Pages 57 to 60

1 red

2. The following points are subd for consideration in this connection.

Sec 3.(8-A)

Govt will do as in the case be.

1. It is proposed to introduce the word "Govt of H.H. the Maharaja of Mysore" in the amendments now sent up; but in the old Regns the word "Govt" only is used.

Sec 13.

2. ~~Power~~ The words "or specially with regard persons, places or time" are used in the Act and not the one proposed in the Bill

The wording of the passed Act is to be taken by 9 Hill

In proviso (2) "of" is substituted for the words "purchased by"

Sec 17.

3. The last few words of the first para of the section are taken to the beginning of it in the Madras Act

Proviso to "do"

The proposed amendment & the first therefor are not in tally table by

The reason for inserting a new proviso is not clear. In Br India the duty on beer and denatured Spirit may be the same in the several Provinces. But the Mysore rates may differ. and so the proviso would not be ~~so~~ consistent with the rate prevailing here.

The existing proviso may be omitted as sec 71 is proposed to be amended.

NOTE—Contn. sheet.

GPB—70,000—17-12-1

G. R. S. 12]

General and Revenue Secretariat. 889 File No. 154 of 1915.

Serial No.

1 Sec 26. 4. In clause (c) it is proposed to add certain additional Acts under which the licensee may have been punished. The provision contained in the Merchandise Marks Regn. I of 1892 is here referred to and the Section is made more specific & reference to this Regulation is necessary.

Sec 29. 5. The preamble is proposed to be ~~amended~~ revised. Four new clauses are proposed to be added after clause (K). But these might to be added after clause (L).

Vide M.

As regards the first clause to be added it is a point for consideration if the provision regarding hemp and coca plants can be combined with the existing clause "J" for which there was no provision in the old Madras Abkari Act.

Sec 30. 6. The Excise Officers who are not Magistrates are proposed to be invested with powers to issue search warrants.

Does not appear to be desirable.

In Madras, ~~it is~~ because the Collector of Madras was not a Magistrate, this provision was considered necessary. But in Mofussil Magistrates are readily available for getting

NOTE—Contn. sheet.

GPB—70,000—17-12-15

Serial No.

orders relating to search warrants; as such whether there is any real necessity for empowering Dt Excise Officers will this power will have to be considered.

Sec 53-A

7. A new section is proposed to be added The amended section is contained in the last page of objects & reasons, and it is the same as the latest amendment of 1915.

Sec 56.

8 The Excise Comm proposes to embody the amendment introduced by the Madras Act. By Regulation VIII of 1913 the words "or a person in the employ of such holder" were added. But the words proposed at present "or being in the employ of such holder and acting on his behalf" ✓ omissions also are to be included under defaults.

We have already provided for this. Com does not refer to this Amendment

The words "acting on his behalf" may require the prosecution to give extraneous evidence to support conviction.

which may perhaps suffice by

✓ Sec 62.

9. The Madras Act omits Sec 62 as being unnecessary, cases coming under the same being considered to be matters for departmental disposal A similar procedure is proposed to be adopted here.

may be omitted as proposed by us.

The Excise Committee in proposing the draft bill has retained this Section.

NOTE—Contn. sheet.

G. R. S. 12]

General and Revenue Secretariat.

S.R. File No. 154 of 1915.

Serial No.

1 Sec 7(1) pursuant disposal no 2. Sec 3.(1).

It is not clear this is necessary by

Sec 109 (1) the Excise annual VOL I (Mysore)

10 The new section is made more general

3 In his letter of the 8th July 1916 the Excise Commr proposes to exclude from the definition of "excise revenue" fines imposed by Mr Magistracy and credited to "Law and justice". Accordg to G.O. no: 3735-44/R 409 of 24/8/1893, fines imposed in excise cases by Magistrates are differentiated from fines imposed or realised by revenue officers.

4. After this subject is considered in this section, the file will have to be passed on to the legislative section of Branch III for further action.

5 Submit for orders.

M 31.7.16.

29/7/1916

6 The Commr proposes to follow the Madras amendments in most cases & may be agreed to.

7 Some of the ~~The~~ Amendments about which the Commr recommendations require to be modified are the points in ~~Page 2 of these~~ the office notes above. It is ~~also~~ for consideration if the Commr may not be consulted about them etc. ~~once~~ before passing on the file to the for taking legislative action.

Revised) 31.7.16

NOTE—Contn. sheet.

GPB—70,000—17-12-15

G. R. S. 12]

General and Revenue Secretariat.

S R File No. 154 of 191 5.

Serial No.

64
2.8
(vide above)

8 The Govt Court suggestions have been subjected to departmental scrutiny & the points indicated may be left to be considered by a Committee in the Legislature Secretariat (1st Member) for orders. hh 1.8.16

9 This is the very time when this might be. Meanwhile may we advise to call for 4 months. —

10 Help raised in the note may be communicated in a memorandum for the remarks of the Govt Ch.

hh 3.8

11 Asst Secy). The delay may be explained & a copy of the points raised may be communicated to Govt Court for remarks as requested hh 3-8-16

Explanation herewith sent in a routine note DMR 11.8.16.

12 The amendment proposed ~~to sec~~. The words introduced at the end of the sec 12 exists already in Mysore Regn. The Madras Act apparently follows our Regn. So this point ~~is~~ is also included in draft of the list. A draft of a memorandum is also subd for orders. Explanation for delay is put up in a routine note

10/8/16. DMR

Rev Sec'y

11/8

NOTE—Contn. sheet.

GPB—70,000—17-12-15

Govt

1cc

(1

G. R. S. 12]

General and Revenue Secretariat. S R File No. 154 of 1915-16.

Serial No.	
	1st Member) 13 For approval of Amendments proposed in Excise Rules 11/8/16
309 12.8	14/8 14/8 Hy
	To The Excise Comr in response
	H. No. 996 dy the 16th August 16
3.	Forward for remarks a statement with certain observations on some of the amendments to the Excise Regulations, as proposed by the
4.	From the same Officer
	No. A.C. 162-16 dy 30/8/1916
	Forwards copy of the Statement containing the ~~amendments~~ modified amendments with remarks against each item
15	The Excise Comm^r has agreed with six of the suggestions made in this Office and in three others he adheres to his original view, that they are necessary.
16	These (called) are the amendments to Sec 3(cl) "Excise Revenue"; Sec 30 & Sec 56.
	Sec 3. Excise revenue to be defined as not to include fines levied in a Court of Law.
	Sec 30. The Excise Comm^r is of opinion that Dist^t Excise

NOTE—Contn. sheet.

HPB—70,000—17-12-15

G. R. S. 12]

General and Revenue Secretariat. 89 File No. 154 of 1915-16

Serial No.		
		officers may be empowered to issue search warrants.
	Sec 56.	The Excise Comm considers that the new amendment proposed is preferable as it is in consonance of the Madras legislation. The same is in conformity with the wording of paragraph 3 of Sec 12. but a similar amendment is not proposed with reference to Sec 57.
	Sec 29.	The Excise Comm has modified the Section ~~as desired~~ as shown in Appx A to this letter of the 30/8/1916. It is stated that in the original proposal the preamble of this Section was amended ~~and~~ and clause "h", i.e the last clause, was proposed to be omitted. But now the preamble is made very ~~short~~ short and clause (h) is retained. In the Madras Act this clause is omitted and the preamble is made to include this. It is a point for consideration whether

NOTE—Contn. sheet.

GPB—70,000—17-12-15

1407577

(9

G. R. S. 12]

General and Revenue Secretariat.

SR File No. 154 of 1915-16

Serial No.

the original proposal note) may not be adopted in preference to the latest proposal.

17. The changes to be adopted are marked ~~for~~ in the duplicate copy of the amendments proposed.

Is submitted for orders. May the file be passed on to Branch I.

Dr. Mr. 9/9/16 (Revisers)

11-9-16

17. The foregoing note explains the salient points.

Is submitted for orders.

309 / 13-9

(V.P. Members)

11-9-16

21. The delay has not been explained. Please do so.

22. The file may perhaps be sent to the Legislative Secretariat.

The original Hap. (Item 16) may be exchanged & replaced by a copy.

23. The explanation for the delay may be furnished separately. This file may be sent to Legislative Section as proposed for transaction.

16-9-16

Draft Letter (Rev Sec'y) 24. The explanation which was already submitted is put up again Flag Q.

25. The papers may be sent to the member.

18/9

But put up the file as referred to in para 10 above

13/9/16

Vide Flag Q for the explanation already submitted.

NOTE—Contn. sheet.

GPB—70,000—17-12-15

10

577.

G. R. S. 12]

General and Revenue Secretariat.

SR File No. 154 of 1915.

Serial No.	
Mr. Hartwell in Br. III	26. A case passed down on 14.8.916 (vide Flag Q) - 2nd Marker). 27. Secy W/ 20/9
76/18.9	
J Mis 485 of 16	Br III)
Secy W/	

Ch 18/9/916 Ch 20/9/916 Ch 20/9

NOTE—Contn. sheet.

GPB—70,000—17-12-15

D. Mus 485/16

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat.

Legs File No. 29 of 1916.

Serial No.

Flag E

Subd. with a draft Bill on the lines suggested by the Excise Commissioner and as further ordered to be revised. The Statement of Objects and reasons sent by the Excise Commissioner with his draft Bill has been slightly modified hereand there according to the amendments ordered to be made in the original Bill

24/1/19

2. Please get 4 copies typed as revised, and see that the amendments are pasted one copy of the Regulations for ready reference. The file shall be resubmitted ~~before~~ on Friday.

14/2.

Sub. with a typed copy of the Bill as revised (with 2 spare copies). A copy of the Regulation with the proposed amendments incorporated therein is also put up as ordered.

Flag F

24/2/19

4. Draft Bill is prepared on the basis of the one sent by the Excise Commissioner ~~and~~ & is submitted for favour of approval.

26/2

2014
26.2

Hon'ble Member

5. Copy of

13/3/19

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. 111-2]

General and Revenue Secretariat.

Legislative File No. 29 of 1916-17

Serial No.

6:

Dewan

Dewan's Memo 15/3. 15/3

5215 15-3-17

C.S. 19.3.17

7. The following modifications mostly of a verbal nature are suggested to me. They seem to me to be suitable and may be considered.

8. Rule 13 A. For the words "subject to such conditions" the words "except under such conditions may be substituted.

9. Rule 15. First proviso. At the end of this proviso, after the words "specially authorise", the words "to purchase the same" may perhaps be added to make the sense complete.

10. Second proviso. It would perhaps read better if this is recast as follows:- "Provided also that where a license is required for sale in more districts than one, it shall be obtained from the Excise Commissioner."

11. Would not the sequence be more logical if this proviso comes in first and the first proviso after this?

12. At the beginning of the last clause and before the words "nothing in this section" &c., the

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

13

G. R. S. III-2]

General and Revenue Secretariat. File No. of 191

Serial No.

word "Note" may perhaps be added.

13. Rule 67. The conjunction "or" is repeated a number of times in the proposed amendement. May it not be omitted?

Drew
28.6.17.
Ques 9/4

NOTE—Contn. sheet.

(For disposal at a meeting)

No. C. 220 9/17

19. 3. 1917

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause ii of the Schedule)

Bill to amend the Excise Regulation.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

D. M. Narasimha Rao.

Secretary to Government.

17th March 191 7.

Extraordinary Member of Council. Seen - Vide notes -

First Member of Council. Approved.

Second Member of Council. 20.3

WD 2012—GPB—1 000—9-2-16

Extract from the Proceedings of the 423rd Meeting of the Council of His Highness the Maharaja, held at Bangalore, on the 12th July 1917

---

5. Subject.-Clause ii of the Schedule.

Bill to amend the Excise Regulation.

OPINION OF THE COUNCIL.

The draft bill to amend the Excise Regulation may be placed before the Legislative Council.

Sd. M. Visvesvaraya,

Dewan of Mysore.

"EXTRACT"

D. M. Narasimhaiah 13/7

Secretary to Government,
General Department.

WD—156—GPB—1,000—19-7-16.

ND 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat.

Q. No. 655.

Legis File No. 29 of 1916-17

Serial No.	
	19. To the Assistant Secretary, Br. III, for kindly submitting the file to the First Member of Council, with a draft Final Note. Dww 13/7
491 25.7.17	20. Submitted with a draft Final Note & draft Subm. Note for favour of approval. 23/7
	First Member)
324 24.7	21. Approved 24/7
	22. Final note signed by the 1st Member is put up with a D.S.N. Dwarka 24/7/17) Dww 24/7 23/7

NOTE—Contn. sheet.

Final Note by the First Member of Council.

Subject:—

Bill further to amend the Mysore Excise Regulation, 1901.

The Excise Committee of 1905-06 in dealing with the question of the revision of the Excise laws and rules in force in the various provinces of India recommended that provisions for the control of denatured spirit should be inserted in the local Excise Regulation and suggested that when the amendment of the Regulation for this purpose was in hand the opportunity should be taken to carry out any further amendments which might be deemed advisable. The Madras Abkari Act on which our Regulation has been based has undergone considerable alterations here and there and the Excise Commissioner therefore sent up a draft Bill further to amend the Excise Regulation not only to carry out the suggestions of the Excise Committee of 1905-06 but also to bring our Regulation into line with the Madras Abkari Act. The notes on clauses contained in the Statement of Objects and Reasons attached to the draft Bill explain these provisions.

Draft for approval The draft Bill as revised in the Legislative Department has been approved by the Members of Council and the gracious approval of His Highness is required for placing the Bill before the Legislative Council.

24th July 1907

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council on the subject of* the Bill - further to amend the Mysore Excise Regulation, 1901, *for His Highness' gracious approval.*

M. Visvesvaraya

Dewan.

28th July 1917

C. 220 (mlf)

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Bill to further amend the Mysore Excise Regulation, 1901.

117

Order.

~~KRJ~~

10/8/17

W/ 18/8

667/17.8

Lees 16/8

2 files

40/17.8.17

Sunday

11.8.17 do

Draft to Govt

WD 1233—GPB—60,000—1-12-16—S.

General and Revenue Secretariat. Legis File No. 29 of 1916.

Serial No.

of the Legis. council

31/1/18 In favour of order whether this bill may be included in the agenda for the next meeting or at the meeting after next

535/31-8-18 Second Member's meeting after next

Ordered

Copy of Abstract Proc. put up

Sd/ The Bill was read in the Legis. Council on the 17th Sept 1918, & referred to a S.C. The date of meeting of the Committee has to be fixed

MVK 9-12-18 If approved, the file will be submitted again for favour of order in Jan?

215/9-12-18 Second Member's no hurry. may kindly remind in date in March

NOTE—Contn. sheet.

Amendment of Excise Regulation

ND 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat.

Legis File No. 28 of 1919.

Serial No.

8) As the Temporary Member of Council is in charge of Excise, and as his name has to be substituted for that of Mr A.P. Banerji in the Select Committee appointed to consider the Bill, a motion to the effect has been included in the agenda for the meeting of the Legve Council to be held on the 24th March 1919.

ASR 21/3

9) At the last meeting of the Legislative Council the motion referred to above was carried. The file is accordingly submitted for orders as to the date & time of meeting of the Select Committee.

ASR 1/4

10) Please put up draft letter to be sent to the members this date & hour being noted later on upon the orders of the member

D.M. 3/4

11) Submitted with draft letter.

Mr C.S. Duraiswamy Iyer having since ceased to be a member, his name is omitted in the draft.

SR 4.4.19. ASR 5/4

12) Subd for favour of Secretary as suitable date & hour for the meeting. D.M. 4/4

Temp. Member

4104 14-4-19

NOTE—Contn. sheet.

R. S. III-2]

General and Revenue Secretariat.

Legn. File No. 29 of 1916.

Serial No.

(5) A date may be fixed after the Bank day festivities & needs subsided. The Govt will require further study

Sd/-
22/5

Please suggest suitable dates after getting with P.A. to the Hon'ble Member about their engagements

D. M.
15/5

Submitted for favour of a date

D. M.
25/6

(6) Monday the 14th July will suit me very well

Sd/-
26/6

(7) Please intimate to members

D. M.
27/6

Submitted with the draft O.M already put up added to. The hour at which the Select Committee has to meet may kindly be inserted in the draft.

Addl 27/6

(8) It may be ascertained from the P.A. to the Hon'ble Member if the fair copies may be typed & Govt. will the same after consulting the Member

D. M.
29/6

To The Members of the Select Committee
No. 447/2C of 1.7.19

States that the Select Committee meeting will be held at 8 A.m on Monday, the 14th July 1919

The hour of meeting has been ascertained to be 8.30 A.m.

Sd. All right. Please send intimation accordingly

D. M.
1/7

Sd/-
1/7

NOTE—Comm. sheet.

G. R. S. III-2]

General and Revenue Secretariat. Legis File No. 29 of 1916.

Serial No.

1) Submitted with a draft report of the Select Committee which considered the provisions of the Bill on the 14th inst.

After approval of the draft, it will be circulated to the members of the Cmtee and then published.

Asst 25/7 2nd Member 25.7.19

2140 26.7.19

at) Dept. appd. 27/7 D.M. 30/7

2) Subd with a draft forwarding copy of the draft report to the members. Mr B. Narasinga Rao's name is omitted as he was not present at the meeting.

Asst 31/7 3) Issues D.M. 1/8

Issued 42-44 L.C 2-8-19.

Supt 3/8

4) Subd.

The report has been received from messrs B. N. Sarmadachar and Chandy agreeing to the recommendations of the Committee. The opinion of Rao Saheb H. Channaiya is still due. It may be awaited

Sec 8/8/19. Asst 8/8

5) Please issue Reminder D.M. 12/8

NOTE—Contn. sheet.

Serial No.

95) The report has also been received from the Chairman with his approval and with a draft to the Controller, Mysore Gazette forwarding the S. C. report

80
18/8/19
Ans 1418

Issued. 64/S.C. 20-8-19.

96) The report has been published in the Gazette, and spare copies have been received. Copies have been sent to members on 6-9-19

69
6-9-19.

From

Mr. B. Narasinga Rao.

6-9-19.

Forwards certain amendments to the Bill further to amend the Mysore Excise Regn. 1901.

97) Sent. Mr. Narasinga Rao was one of the S. C. to whom the Bill was referred. But he was absent from the meeting and sends amendments now

Mr. Narasinga Rao has not

H.C.S. 4543 A

Serial No.

A

been returned to the R. A in the recent elections, the results of which have been notified in the Gazette already. Consequently according to the notification of 5-2-1918 he has vacated his seat in the Legislative council

It is a point for consideration whether in these circumstances, the amendments proposed by Mr Narasinga Rao are in order and what action is to be taken thereon

8/9 10/9/19 Apr 1919

Please note the Gazette notification regarding the results of the elections & put up the Gazette also

Legy 12/9

D. M. 12/9

Subd. with Mysore Gazette of 28-8-19 in which the result of the election of the Seringapatam taluk has been notified under notn. No. 4747 of 26-8-19.

8/9 12/9 Apr 1919

Yes. No action can be taken on the proposals of Mr N. Rao. His seat may perhaps be filled

If he had continued to be a member, he could have proposed the amendments &c

H. V

NOTE—Contn. sheet.

Serial No.

this meeting of necessary. He has sent the proposals after he ceased to be a member.

Subd for orders
D. M.
23/9

Chief Secy
II Member

COK
25/9
D. M.
26/9

Recd 7/9

1581
28-9-16

From

Mr. B. Narasinga Rao B.A. B.L.

~~suggests~~ Gives reasons for the amendments proposed in his letter of 6-9-16 and ~~suggests~~ that they may, if approved, be moved by the member in charge

3rd) It is a point for orders if the present communication of Mr. Narasinga Rao has to be placed with as a petition to the Legislative Council and included in the Agenda.

Mr. Narasinga Rao's proposed amendment no (1) was considered by the Select Committee as unnecessary Some of the suggested amendments are only verbal

Subd. for orders

20/10/16

4th) Mr Narasinga Rao ~~has~~ Suggests that

Fair & Neat in Act
35-4
Rs 40

NOTE—Contn. sheet.

Secl file
to Mill & Cd D.

Serial No.

the amendments maybe moved by some other additional member or that the member in charge may accept such as commend themselves therein

~~[illegible]~~

24/10

84) Mr. N. Rao has sent this letter at the last moments. He was open to him to have asked some other member to move the amendments. But he has not done so and perhaps it did not suggest itself to him in time.

Vide the 2nd letter of 18.10.19, Mr. N. Rao requests the member in charge to cause the amendments to be accepted such of the as commend themselves to him. The Select committee report has already been published & it is open to doubt whether the amendments can be considered at this stage as desired by Mr. N. Rao. There is no provision in the rules for such a procedure. Amendments, no doubt, may be moved on behalf of Govt even at the last stage under R. 60; but it would seem that a formal motion should be made in such a case & it must also be included in Agenda which has already been sent to the Press.

85) Mr. N. Rao has furnished his reasons in the 2nd letter, and the amendments marked as ① ② ③ in blue pencil may perhaps be adopted as the

NOTE—Contn. sheet.

Serial No.

1822

come to be desirable. His letter may perhaps be treated as a petition within the meaning of R. 55 & placed before the Council to be dealt with in such manner as it may deem fit under R. 57.

Submitted for orders

D. M. 22/10

II Member

30) Some of the suggestions are worthy & might have been considered & adopted by the Select Committee: but it is too late now to propose these amendments. The most important part of the amendments is that relating to the Income Revenue. But the Select Committee might after full discussion decided to propose a clause, their reason being that it is a fiscal matter & that although being at the present moment, it was immaterial whether a purchase deed formed a part of the Income Revenue or that relating to the Land Revenue. The Select Committee might have considered the question from all its aspects & decided in any way. The mind being in clause 10 is clearly

NOTE—Contn. sheet.

General and Revenue Secretariat.

Legs. File No. 27 of 1916.

Serial No.	

a new proviso. In clause 20, proviso has been taken from the rules and the words also the proviso to appeal against the notice which is given in the Licensing Board is omitted in the Act. No particular harm or change will be caused by allowing the Licensing Board to remain as it is.

37) In clause 5 'shall' does not necessarily mean that it is obligatory upon the Grant Committee to issue a license without regard to the conditions. But when the conditions prescribed are fulfilled it is not open to the Grant Committee to refuse the license. The object for which the Act has been enacted by the Bombay Legislature. If the amendment is adopted, the Grant Committee will have the powers to refuse license even if all the conditions are duly complied.

38) The Bombay Government may be consulted for their proposal before this Act is finally passed.

NOTE—Contn. sheet.

39) I have put up to the Collector's copy retained in the file. Mr. Maso retain copy & issue

23/10

20/10/19.

Issued 136 23-10-1919

Serial No.

40) The Bill & the S.C. report thereon were considered at the meeting of the Legislative Council held today and motion for the bill being passed at a subsequent meeting was carried. The sanction of the Govt. of India has to be obtained. Submitted with a draft letter to the Resty

Secy
29/10/16

29/10/16 41) covers of the II Members first
Asst
31/10 should be obtained on the grn of verbal alterations suggested by the III Member before the Resid^cy is addressed.

So, please put up a note on the alterations together with the bill as it now stands after the alterations from Members.

Legn
31/10

Dy Secy
31/10

Sgd.

42) The alterations suggested by the third member have been noted in the copy of the Bill put up. The proposed amendments of both clauses (2) & (3) of clause 2 of the Bill are intended

B

NOTE—Contn. sheet.

G. R S. III-2]

General and Revenue Secretariat.

6397

File No. of 191

Serial No.

to make the place wherein the additions have to be made ~~clear~~ more clear

In clause 5 sub clause (1), the addition of the words "on this behalf" after "authorise" has been suggested.

Clause 19 has been differently worded in order to avoid the repetition of the word "section"

Submd - for orders

9/11/19. 3/11

(42) Sub^d for orders.

No Residency has to be addressed to obtain the sanction of the Govt of India, & it is usual to send two copies of the Bill & the Select Committee report. If the amendments are intended to be adopted, they have perhaps to be proposed on behalf of Govt under R. 50 in which case intimation shall have to be given to the Residency also

D...

II Member. *Draft approved. Please see marginal remarks in Bk. Amendment 7/4

2156/7.11.19

NOTE—Contn. sheet.

6397

G. R S. III-2]

General and Revenue Secretariat. Legn File No. 29 of 191

Serial No.	
	Clause to 2 — Cl 12 may be adopted. Sd/- 5/11 D.M. 10/11
	Resd to order if the draft to Resy may be issued. Also to order if it is enough to make the changes ordered in the copy of the Bill to be sent to Resy, or whether it is necessary to make any reference thereto in the draft letter also Sd/- 11
	Warrants to any up in pursuance. Inspns may be obtained in pursuance in all such cases D.M. 1.2/11
	Mysore Secn Draft D.M. 22/1
3.	To. The H.A. Resident in Mysore. No. Pol. 800 dy 23rd January Forg 2 copies of the Bill further to amend the Mysore Excise Regulation & of the Select Committee's Report & Secn sanction of Govt. of India.

Letr 18/11

K. 22/1/20

Secy 19/2/20

PROMULGATION BRANCH. 19 FEB 1920

NOTE—Contn. sheet.

6397
17/165

G. R. S. III-2]

General and Revenue Secretariat.

Legis File No. 29 of 1916

Serial No.	
4	From The F. P. Resident No 233 dt 17-3-20. States that the Govr. in Council accords his consent to the Bill read By the time this was received the agenda had been issued & a motion that the Bill be passed at a subsequent meeting has been included therein. &c. 20/3 Subd. re verbal amendments that the Bill were adopted and the motion to pass the Bill at a subsequent meeting was carried at the meeting of the Legislative Council on the 25th March 1920 As the Govt of India Sanction has been obtained motion for passing the Bill must be included in the agenda for the next meeting yrs. Mudaliar. 22/3 22/3 D. 1/4

NOTE—Contn. sheet.

17 [illegible]

Serial No.

The Bill was introduced at the meeting of the Council on 21st Feb 1918, read and referred to a Select Committee on 17th Sept 1918 and finally passed on 19th May 1920.

Sanction of H. H. is sought for promulgating the Bill as law

Submitted to H. H. & a D. S. R.

Submitted 10.7.1

D. M. 5.

21/5

24/5

II Member

7163-110

24-5-920.

S. D. R. approved

Reed

24. 5. 20

Submitted with D. S. No. 2875.

D. M.

Chief Secy

Dewan

25/5/20

DEWAN'S OFFICE.
Recd. on JUN 5 1920
Reg. No. 8018

NOTE—Contn. sheet.

Submitted to His Highness.

I submit herewith a Final Note by the....Second *Member of Council on the subject of*....promulgating the Bill further to amend the Mysore Excise Regulation, 1901, into law,..... .....-

for His Highness' gracious approval.

Dewan.

1920

Second
Final Note by the ~~Extra~~ Member of Council.

Subject:—

Promulgation of the bill further to amend the Mysore Excise Regulation 1901, into law.

Page 19 & notes

The gracious approval of His Highness was granted on the 10th August 1917 to place the bill further to amend the Mysore Excise Regulation 1901 before the Legislative Council. Leave was granted for the introduction of the bill at the meeting of the Legislative Council held on the 21st February 1918 and the bill was read and referred to a Select Committee on 17th September 1918. The Select Committee made no change in the bill except a few minor alterations on the lines of the corresponding Madras Act. Certain verbal alterations were subsequently made in Clause 2 and the bill as amended was finally passed at the meeting of the Council on the 19th May 1920. A copy of the bill as finally passed is placed in the file.

Page 35 & notes E

The gracious sanction of His Highness is now solicited for promulgating the Bill into law.

T. Rajashankar
Member of Council. 25.5.20

1760

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

1184
7.6.20

Promulgation of the bill further to amend the Mysore Excise Regulation, 1901 into law.

1091

Order.

~~KRW~~

12/6/20

13.6.20

Proof seen 15/6

Please take further action as above. The Supdt will kindly revise the Bill before send it to the Press.

D. M. 16/6

(1195)

General and Reve. Secretariat. | Legs' File No. 99 of 1916

Serial No.

Submitted with a draft order promulgating the Bill into Law.

&c
17/6
1916

Has this Bill been revised by the Secretary
copy of the

Dy.
1916

Revised. The Bill has been compared with reference to the original & the select Committee report & the proceedings of the Legve Council.

April
1916

Secy
Dy.
1916

5 To The Compiler, Mysore Gazette.

No. G. 27868 dy 21st. June 1920.

Publishes amendment to the Mysore Excise Regulation as Regn V of 1920.

1 JUL 1920

20/6

NOTE—Contn. sheet.

OFFICE OF THE EXCISE COMMISSIONER IN MYSORE.

No. 384 F
ಸಂಖ್ಯೆ

Bangalore, dated 29th March *1916.*
31

ದಿನಾಂಕ 2668

FROM

P. Raghavendra Rao, Esq., B.A., B.L.,
Excise Commissioner in Mysore.

15-16
SR
154-15
1

To

V.R. Thyagaraja Iyer, Esq., M.A.,
Secretary to the Government of
His. Highness the Maharaja of Mysore,
General and Revenue Departments.
Bangalore.

Sir,

I have the honor to submit herewith, in duplicate, for the early consideration of Government, a draft bill to consolidate and amend the Mysore Excise Regulation V of 1901 together with a Memorandum showing the objects and reasons and to state that the amendments therein proposed are in conformity with the law now in force in Madras, vide bill No. 2 of 1912 and Act I of 1915 published as Nos. 7 and 6 in the Fort St. George Gazette dated 3-9-'12 and 9-3-15 respectively and that their introduction into Mysore is very necessary and desirable.

I have the honor to be,
Sir,
Your most obedient servant,

Assistant Commissioner,
for Excise Commissioner
absent from the station.

GPB

191

From

Excise Commissioner in Mysore.

To

Secretary to the Government of
H. H. the Maharaja of Mysore,
Gen. & Rev. Depts.

Dated

Despatched

Received

General No.

Enclosure No.

SUBJECT.

AMENDMENT TO THE MYSORE EXCISE REGULATION

No. V of 1901.

1. In section 3 of the said Regulation the following amendments shall be made -- namely :-

(i) In sub-section (8) the words "whether it is denatured or not" shall be added at the end.

(ii) The following shall be inserted as sub-section (8-A) :-

(8-A) "Denatured" means subjected to a process prescribed by "the Government of H.H. the Maharaja of Mysore/by notification for the purpose of rendering unfit for human "consumption."

(iii) In sub-section (13) the words "or the coca plant (Erythroxylum coca)" shall be inserted after the words "the hemp plant (Cannabis Sativa or Indica)".

(iv) The following shall be added as sub-section (17-A) :-

"Cultivation" includes the tending or protecting of a plant or plants during growth and does not necessarily imply raising it or them from seed.

(v) The following shall be added as sub-section (18-A) :-

"To bottle" means to transfer liquor from a cask or other vessel to a bottle, jar flask or similar receptacle for the purpose of sale whether any process of manufacture be employed or not and bottling

includes

includes rebottling.

(vii) The following shall be added as sub-section (20-A) :-

"Police station" includes any places which the Government of His Highness the Maharaja of Mysore may by notification declare to be a Police station for the purposes of this Regulation.

2. (i) In section 12 of the said Regulation the words "or coca plant (Erythroxylum coca)" shall be inserted after the words "hemp plant (Cannabis Sativa or Indica)" ;

The following new clause shall be inserted between the second and third ~~paragraphs~~, viz:-

"No portion of the hemp or coca plant from which any intoxicating drug can be -- manufactured shall be collected " ;

~~The word "and" at the end of paragraph 5 shall be omitted, and~~ the words "no -- liquor shall be bottled for sale; ~~and~~ " shall be inserted ~~between the fifth and sixth paragraphs before the proviso~~.

(ii) The following shall be added at the end of the section :-

"Licenses granted under this section shall extend to and include servants and other persons employed by the licensees - and acting on their behalf."

3. In section 13 of the said Regulation

the

the following amendments shall be made :-

(i) The words "and as regards persons generally or any specified class of persons and generally or for any specified occasion shall be inserted between the -- words "any local area" and "in respect of".

(ii) In sub-section (2) the words -- "other than denatured spirit" shall be inserted after "foreign liquor", and the word "possessed" shall be substituted for the -- words "purchased".

(iii) The following shall be added as sub-section (3) :-

"The Government of His Highness the Maharaja of Mysore may by notification -- prohibit the possession by any person or class of persons either throughout the whole Mysore State or in any local area of any liquor or intoxicating drug either -- absolutely or subject to such conditions as they may prescribe."

4. The following amendments shall be made in section 15 of the said Regulation :-

(i) The words " or to any officer whom the Deputy Commissioner may prescribe" -- shall be added after the words "intoxicating drugs" at the end of the first paragraph.

(ii) The first proviso to the section shall be omitted, and the following proviso

shall

shall be inserted in its place :-

"Provided that a license for sale in more than one district shall be granted by the Deputy Commissioner."

~~"Provided also that on such conditions as may be determind by the Deputy Commissioner a license for sale granted under the Excise Law in force in another province may be deemed to be a licence granted under t~~ Regulation".

(iii) In the second proviso the words "by notification" shall be substituted for the words "in like manner", and the words "under such conditions as the Deputy Commis-sioner may prescribe" shall be substituted for the words " in pots or other receptacles jaggery".

(iv) The following shall be inserted at the end of the section :-

" Nothing in this section applies to the sale of any foreign liquor legally procured by any person for his private use and sold by him or by auction on his behalf or on behalf of his representatives in interest upon his quitting a station or after his -- decease".

5. (i) In section 17 of the said Regulation the following new clause shall be inserted after clause (e) :-

"(f) issued from a distillery or warehouse

house licensed or established under
12 or section 14, or"
and the existing clause (f) shall be re
lettered as clause (g).

(ii) The existing proviso shall be --
omitted, and the following proviso shall be
inserted:- [illegible]

"Provided that the duty on denatured spirit or beer manufactured in India shall unless the Government of His Highness the Maharaja of Mysore otherwise directs, be equal to the duty to which denatured spirit or beer respectively imported into Mysore State, or any other law for the time being in force relating to the duties of excise-able articles imported into Mysore State."

6. (i) In clause (a) of section 18 the words "a distillery, brewery or warehouse licensed or established under section 12 or section 14" shall be substituted for the words "the distillery or brewery".

(ii) To clause (b) the words " or issued from a warehouse licensed or established under section 14" shall be added.

(iii) In clause (f) the words "import, export or" shall be inserted before the word "transport".

(iv) The following proviso shall be --

added

dded at the end of section :-

"Provided that where there is a differ -ence of duty, as between two license perio such differance may be collected in respect of all stocks of country liquor or intoxicat -ing drugs held by licensees at the close of the former."

7. In clause (c) of section 26 of the -- said Regulation the following shall be in- serted after the words "non-bailable offenc

"or of any offence under the Merchandi Marks ~~Act, 1889~~, or under any section which has been introduced into the Indian Penal - Code by section 3 of that ~~Act~~.

8. The following shall be substituted for section 27 of the said Regulation :-

"Every person who manufactures or sell any liquor or intoxicating drugs under a license granted under this Regulation shall be bound -

(a) to supply himself with such measur weights and instruments as the Government of His Highness the Maharaja of Mysore may prescribe and to keep the same in good con- dition; and

(b) on the requisition of any excise officer duly empowered in that behalf at any time to measure, weigh or test any -- liquor or intoxicating drug in his posses- sion in such manner as the said Excise Officer may require."

9.(i)The following shall be substituted for the preamble for clause (o) of sectio (29) of the said Regulation :-

Section 29 :- (1) The Government of His Highness the Maharaja of Mysore may make rules for the purpose of carrying out the provisions of this Regulation or other law for the time being in force relating to Excise Revenue.

(2) In particular and without prejudice to the generality of the foregoing provision the Government of His Highness the Maharaja of Mysore may make rules.

(ii) After clause (k) of section 29 the following clauses shall be inserted, viz., :- (l) regulating the cultivation of the hemp and coca plants, the collection of those portions of such plants -- from which intoxicating drugs can be -- manufactured, and the manufacture of such drugs therefrom ;

(m) (1) declaring the process by which spirit manufactured in or imported into the Btate shall be denatured ;

(2) for causing such spirit to be denatured through the agency or under the supervision of the Excise Officers ;

(3) for ascertaining whether such -- spirit has been denatured ;

(n) regulating the bottling of liquor for purposes of sale;

(o)

(o) declaring in what cases or classes of cases and to what authorities appeals shall lie from orders, whether or appellate, passed under this Regulation or under any rule made thereunder, or by what authorities such orders may be revised, and prescribing the time and manner of presenting, and the procedure for dealing with appeals ;

(iii) the remaining clauses (l) to (n) of section 29 shall be renumbered as clauses (p) to (r).

10. In section 30 of the said Regulation for the words "any magistrate" the words "a Deputy Commissioner or a Magistrate" shall be substituted, and for the words "given by any Excise or Police Officer or any other person" the word "obtained" shall be substituted. In the second paragraph of the same section the words "the Deputy Commissioner or Magistrate" shall be substituted for the word "Magistrate" where it first occurs, and the words "Deputy Commissioner or Magistrate as the case may be" shall be

substituted

substituted for the same word where it occurs at the end of paragraph.

11. At the end of section 48, insert the following :-

"The officer may also, if he considers it necessary for the investigation of the case, exercise the powers conferred by sections 44 to 47 before summoning the person suspected."

Act I of 1913.

12. (i) In section 55 of the said --- Regulation the semicolon in clause (c) shall be omitted and the following shall be added to that clause :-

"the coca plant (Erythroxylum coca) or collects any portion of such plants from which an intoxicating drug can be manufactured ; or"

do.

(ii) The following new clause shall be inserted as clause (h), the last -- clause being numbered as (i) :-

"(h) bottles any liquor for purposes of sale ; or".

do

13. The following shall be inserted as section 55-A after section 55 :-

"Whoever attempts to render fit for human

vide page 18 infra for Act XI of 1915 modifying I of 1915.

human consumption any spirit, whether manufactured in ~~British India~~ Mysore State or not, which has been denatured, or has in his possession any spirit in respect of which he knows or has reason to believe that -- any such attempt has been made, shall be liable to imprisonment for a term which may extend to three months or to ~~five~~ fine which may extend to one thousand rupees or to both."

14. At the end of the first paragraph of section 56 of the said Regulation, the words "or being in the employ of such -- holder and acting on his behalf" shall be inserted; and in clause (b) of the same section for the words "does any regulation" the words "wilfully does or omits to do anything shall be substituted.

15. Section 62 of the said Regulation shall be omitted.

16. In section 65 of the said Regulation the words "or by means of " shall be inserted after the words "in respect of" in the first paragraph.

17. The following proviso shall be -- added at the end of section 66 :-

"Provided further that if the thing in question is liable to speedy and natural decay or if the Deputy Commissioner or another officer authorised by the Government of His Highness the Maharaja of Mysore in that behalf is of opinion that the sale would be for the benefit of its owner, he may at any time direct it to be sold, and the provisions of this sub-section shall, as nearly as may be practicable, apply to the net proceeds of such sale".

18. In section 67 of the said Regulation for the words "section 56" the words "section 55 or section 56 or section 57 or section 58" shall be substituted.

19. The following shall be substituted for section 71 of the said Regulation :-

"The Government of His Highness the Maharaja of Mysore may by notification -- either wholly or partially, subject to such conditions as he may think fit to prescribe, exempt any liquor or intoxicating drug from all or any of the provisions of this Regulation, either throughout the State or in any specified area, or

or

or for any specified period or occasion or as regards any specified class of -- persons".

STATEMENT OF OBJECTS AND REASONS.

The Excise Committee of 1905-1906 in dealing with the question of the revi- sion of the Excise laws and rules in --- forces in the various provinces of Indi- recommended that provisions for the con- trol of denatured spirit should be in- serted in the ~~Kysore~~ local Excise Regulation and suggested that, when th amendment of the Regulation for this -- purpose was in hand, the opportunity -- should be taken to carry out any further amendments which might be deemed advisab The present Bill has been prepared accor -ingly. Besides the provisions for the control of denatured spirit, amendments have been included in the Bill so as to bring under control the process of ---- bottling

bottling liquors for sale which the exist-ing Regulation does not cover and to make the provisions of the Regulation specifically applicable to the products of the cocoa plant. Various other matters to which attention has been drawn either by the Excise Committee's report or by practical experience of the working of Mysore Excise Regulation IV of 1901 have been also provided for in the Bill, and in the following remarks these are briefly noticed in accordance with the order of the clauses of the Bill in which they occur :-

Clause 2 - sub-clause (iv). - To obviate difficulties in the control of the cultication of the hemp and cocoa plants it is proposed to insert a definition of the term "cultivation."

Clause 2 -sub-clause(vi) - The Excise Regulation lays on officers in charge of Police-stations the duty of taking charge of and keeping in safe custody all contra-band articles seized in excise cases -- which may be delivered to them. Now that under the new Police scheme, only some Police stations have been retained as such and others have been converted into out-posts, considerable difficulty is experienced by subordinate officers of the -- Excise Department, as contraband articles

seized

seized by them cannot be deposited in out-posts but have to be conveyed to Police stations which in many cases are at a considerable distance. As Police out-posts cannot under section 4 (1) (s) of the Code of Criminal Procedure be declared to be Police stations for the purposes of the Excise Regulation, it is proposed to insert the definition suggested in this clause.

Clause 3.- It is proposed to insert -- words to provide for regulating the cultivation of the cocoa plant and exercising control over the collection of only those portions of the hemp or cocoa plant from which intoxicating drugs can be -- manufactured, and to make it clear that licenses granted under section 12 of the present Regulation extend to and include servants and other persons employed by the licensees and acting on their behalf.

(iii) Clauses 4 (i) and (ii) - It is proposed here to make provision enabling the -- Government to prescribe the quantity of liquor or intoxicating drugs that may be possessed by persons of particular classes of persons and to prohibit persons of -- classes of persons either absolutely or subject to certain conditions from possessing any liquor or intoxicating drug.

Clause 5.- (i) As there is no provision in the present Regulation enabling the Government

Government to purchase Ganja from licen
-ed cultivators, the words " or to any
officer whom the Commissioner may pres-
-cribe" are proposed to be added to sec
-tion 15.

(ii) The first proviso to section 15 of the present Regulation is covered by the new section 71 which clause 20 proposes to substitute for the existing section 71, and it is therefore proposed to strike out the proviso referred to.

(iii) The second proviso to section 15 of the present Regulation is proposed to be modified so as to admit of sweet juice drawn for use as a beverage being exempted from the operations of the - - Regulation.

Clause 6 (i) - It is proposed to insert a new clause in section 17 of the present Regulation to legalise the collection of duty on issues of Exciseable articles from a Distillery or warehouse.

(ii) The object of the proviso proposed to be added by this clause to section 17 is to enable the duty on de-natured spirit or beer made in India to be fixed at the same level as that on imported denatured spirit or beer. It is also proposed to omit the existing proviso to the section as exemptions are sufficiently provided for by the new section 71 which is proposed to be substituted for the existing section 71 by clause 20.

clause

Clause 8. It is proposed to enable - - license to be cancelled when the licensee is shown to have been convicted of offen- -ces punishbale under certain additional Regulations. This proposal is in accord -ance with the recommendations of the -- Excise Committee.

Clause 9. In this clause it is propose to recast section 27 of the present regu- -lation so as to make it applicable to manufacturers or sellers of all kinds of liquor or intoxicating drugs, as it is considered advisable to take power to -- require such dealers to keep proper - - weights and scales.

Clause 10. It is proposed to amplify section 29 of the present Regulation in certain respects and to revise its pre- -amble.

Clause 11. Provision is here made to enable the District Excise Officers who are not Magistrates and in whom the ad- -ministration of the Excise Revenue of the District is vested, to issue search warrants when necessary.

Clause 12. Provision is made to enable an Excise Inspector to summon witnesses and hold an enquiry before proceeding to summon a person suspected of having - - committed an offence under the Regula- -tion.

Clause 14. In this clause provision is made for the infliction of a sufficient penalty

penalty in cases of attempts to denature spirit and of possession of denatured spirit.

Clause 15. It is proposed to amplify the section so as to cover cases of -- omissions on the part of licensees and of misconduct by the employee of a - - licensee acting on his behalf.

Clause 16. The offences mentioned in section 62 of the present Regulation are such as can well be dealt with - - departmentally, and it is accordingly proposed to omit the section from the Regulation.

Clause 18. In this clause provision is made for the sale of confiscated articles when they are liable to speedy and natural decay or when such sale is likely to benefit the owner. This pro -vision is borrowed from the Excise Committee's draft Bill and is likely to be useful in practice.

Clause 19. With the view of reducing the number of prosecutions under the Excise Regulation, it is proposed to make section 67 of the present Regula- -tion which deals with the compounding of offences, more elastic by the in- clusion of offences under sections 55, 57 and 58 of the said Regulation among those which may be compounded.

Clause 20.

Clause 20. In the new section 71 proposed in this clause, power is taken to exempt any liquor or drug in any local area from the operation of all or any of the provisions of the Regulation either generally or as regards any specified class. The exemption of medicated articles will thus be brought within the scope of the new section, rendering the present section 71 unnecessary.

The following shall be substituted for section 55-A:-

" Whoever renders or attempts to render fit for human consumption any spirit whether manufactured in Mysore State or not, which has been denatured, or has in his possession any spirit in respect of which he knows or has reason to believe that any such attempt has been made, shall on conviction before a Magistrate be liable to imprisonment for a term which may extend to three months or to fine which may extend to one thousand rupees or both. For the purpose of this section it shall be presumed unless and until the contrary is proved that any spirit which is proved on chemical analysis to contain any quantity of any of the prescribed denaturants or is or contains or has been derived from denatured spirit".

Assistant Commissioner
for Excise Commissioner
Absent from the stat

NOTIFICATION.

No. 275—L. C., dated the 8th June 1912.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the following Bill to further amend the Mysore Excise Regulation, 1901, is published for general information, with the Statement of Objects and Reasons.

By Order
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council

A Bill to further amend the Mysore Excise Regulation, 1901.

Whereas it is expedient to further amend the Mysore Excise Regulation, 1901;

Preamble. His Highness the Maharaja is pleased to enact as follows:—

Short title. 1. This Regulation shall be called "The Mysore Excise Regulation Amendment Regulation, 19."

Amendment of sections 56 and 57 of Regulation V of 1901. 2. The words " or a person in the employ of such holder" shall be inserted after the word " Regulation" occurring before clause (*a*) of sections 56 and 57 of the Mysore Excise Regulation, V of 1901.

STATEMENT OF OBJECTS AND REASONS.

The Chief Court have decided in a case that went up before them in appeal from the order of the City Magistrate of Bangalore that the servant or employee of an arrack vendor cannot, under the Excise Regulation, be punished for malpractices committed by him (the servant) and falling under Section 56 of the Excise Regulation, and that that section read with section 64 can have no application to a person other than the actual holder of a license. It is reported that, as a result of this decision, respectable and solvent people hesitate to come forward to take up licenses in the Excise Department as they will have no effective control over the conduct of their servants who might easily expose their masters to a prosecution under the Excise laws. It is, therefore, considered desirable to amend sections 56 and 57 of the Excise Regulation so as to make the actual vendor of liquor punishable for offences under those sections equally with the licensee.

Amendment to the Mysore Excise Regulation, No. V of 1901.

In section 3, clause (i) of the said Regulation, the following amendments shall be made:-

"Remove the full stop after the word "drug" occurring at the end of the section 3 clause (i), insert a comma instead and add the following words in continuation "but does not include a fine imposed a Court of Law".

T. Raghavendrachar
4.7.46
Excise Commissioner.

MRG.

AMENDMENT TO THE MYSORE EXCISE REGULATION

No. V of 1901.

---

1. In section 3 of the said Regulation the following amendments shall be made -- namely :-

(i) In sub-section (8) the words "whether it is denatured or not" shall be added at the end.

(ii) The following shall be inserted as sub-section (8-A) :-

(8-A) "Denatured" means subjected to a process prescribed by "the Government [of H.H. the Maharaja of Mysore] /by notification for the purpose of -- rendering unfit for human "consumption."

(iii) In sub-section (13) the words "or the coca plant (Erythroxylum coca)" - shall be inserted after the words "the -- hemp plant (Cannabis Sativa or Indica)".

(iv) The following shall be added as sub-section (17-A) :-

"Cultivation" includes the tending or protecting of a plant or plants during growth and does not necessarily imply raising it or them from seed.

(v) The following shall be added as sub-section (18-A) :-

"To bottle" means to transfer liquor from a cask or other vessel to a bottle, jar flask or similar receptacle for the purpose of sale whether any process of manufacture be employed or not and bottling

includes

includes rebottling.

(vi) The following shall be added as sub-section (20-A) :-

"Police station" includes any places which the Government of His Highness the Maharaja of Mysore may by notification declare to be a Police station for the purposes of this Regulation.

2. (i) In section 12 of the said Regulation the words "or coca plant (Erythroxylum coca)" shall be inserted after the words "hemp plant (Cannabis Sativa or Indica)" ;

The following new clause shall be inserted between the second and third paragraphs, viz:-

"No portion of the hemp or coca plant from which any intoxicating drug can be -- manufactured shall be collected " ;

The word "and" at the end of paragrap 5 shall be omitted, and the words "no -- liquor shall be bottled for sale; and " shall be inserted between the fifth and -- sixth paragraphs before the proviso.

(ii) The following shall be added at the end of the section :-

"Licenses granted under this section shall extend to and include servants and other persons employed by the licensees - and acting on their behalf."

3. In section 15 of the said Regulation

the

the following amendments shall be made :-

(i) The words "and as regards persons generally or any specified class of persons and generally or for any specified occasion" shall be inserted between the words "any local area" and "in respect of".

(ii) In sub-section (2) the words "other than denatured spirit" shall be inserted after "foreign liquor", and the word "possessed" shall be substituted for the word "purchased".

(iii) The following shall be added as sub-section (3) :-

"The Government of His Highness the Maharaja of Mysore may by notification prohibit the possession by any person or class of persons either throughout the whole Mysore State or in any local area of any liquor or intoxicating drug either absolutely or subject to such conditions as they may prescribe."

4. The following amendments shall be made in section 15 of the said Regulation :-

(i) The words " or to any officer whom the Deputy Commissioner may prescribe" shall be added after the words "intoxicating drugs" at the end of the first paragraph.

(ii) The first proviso to the section shall be omitted, and the following provis

shall

shall be inserted in its place :-

"Provided that a license for sale in more than one district shall be granted by the Deputy Commissioner."

"Provided also that no such conditions as may be prescribed by the Deputy Commissioner a license for sale granted under the foregoing proviso in another province shall be deemed to be a license granted under this Regulation".

(iii) In the second proviso the words "by notification" shall be substituted for the words "in like manner", and the words "under such conditions as the Deputy Commissioner may prescribe" shall be substituted for the words " in pots or other receptacle jaggery".

(iv) The following shall be inserted at the end of the section :-

" Nothing in this section applies to the sale of any foreign liquor legally procured by any person for his private use and sold by him or by auction on his behalf or on behalf of his representatives in interest upon his quitting a station or after his decease".

6. 5. (i) In section 17 of the said Regulation the following new clause shall be inserted after clause (e) :-

"(f) issued from a distillery or warehouse

house licensed or established under section 13 or section 14, or"

and the existing clause (f) shall be re-lettered as clause (g).

(ii) The existing proviso shall be -- omitted and the following proviso shall be inserted:- ~~the Government of His Highness the Maharaja of Mysore with the previous~~ "Provided that the duty on denatured spirit or beer manufactured in India shall unless the Government of His Highness the Maharaja of Mysore otherwise directs, be equal to the duty to which denatured spirit or beer respectively imported into Mysore State, or any other law for the time being in force relating to the duties of excise-able articles imported into Mysore State."

7. 6. (i) In clause (a) of section 18 the words "a distillery, brewery or warehouse licensed or established under section 13 or section 14" shall be substituted for the words "the distillery or brewery".

(ii) To clause (b) the words " or issue from a warehouse licensed or established under section 14" shall be added.

(iii) In clause (f) the words "import, export or" shall be inserted before the word "transport".

(iv) The following proviso shall be -

added

added at the end of section :-

"Provided that where there is a differ-ence of duty, as between two license period such differance may be collected in respect of all stocks of country liquor or intoxicat-ing drugs held by licensees at the close of the former."

8. 7. In clause (c) of section 26 of the said Regulation the following shall be inserted after the words "non-bailable offenc

"or of any offence under the Merchandi Marks Act, 1889, or under any section which has been introduced into the Indian Penal Code by section 3 of that Act.

9. 8. The following shall be substituted for section 27 of the said Regulation :-

"Every person who manufactures or sell any liquor or intoxicating drugs under a license granted under this Regulation shall be bound -

a) to supply himself with such measur weights and instruments as the Government of His Highness the Maharaja of Mysore may prescribe and to keep the same in good condition; and

(b) on the requisition of any excise officer duly empowered in that behalf at any time to measure, weigh or test any liquor or intoxicating drug in his possession in such manner as the said Excise Officer may require."

10. 9.(i)The following shall be substituted for the preamble for clause (o) of secti 29 of the said Regulation :-

Section 29 :- (1) The Government of His Highness the Maharaja of Mysore may make rules for the purpose of carrying out the provisions of this Regulation or other law for the time being in force relating to Excise Revenue.

(2) In particular and without prejudice to the generality of the foregoing provision the Government of His Highness the Maharaja of Mysore may make rules.

(ii) After clause (k) of section 29 the following clauses shall be inserted, viz., :- (l) regulating the cultivation of the hemp and coca plants, the collection of those portions of such plants -- from which intoxicating drugs can be -- manufactured, and the manufacture of such drugs therefrom ;

(m) (1) declaring the process by which spirit manufactured in or imported into the State shall be denatured ;

(2) for causing such spirit to be denatured through the agency or under the supervision of the Excise Officers ;

(3) for ascertaining whether such -- spirit has been denatured ;

(n) regulating the bottling of liquor for purposes of sale;

(o)

(o) declaring in what cases or classes of cases and to what authorities appeals shall lie from orders, whether or appellate, passed under this Regulation or under any rule made thereunder, or by what authorities such orders may be revised, and prescribing the time and manner of presenting, and the procedure for dealing with appeals ;

(iii) the remaining clauses (l) to (n) of section 29 shall be renumbered as clauses (p) to (r).

10. In section 30 of the said Regulation for the words "any magistrate" the words "a Deputy Commissioner or a Magistrate" shall be substituted, and for the words "given by any Excise or Police Officer or any other person" the word "obtained" shall be substituted. In the second paragraph of the same section the words "the Deputy Commissioner or Magistrate" shall be substituted for the word "Magistrate" where it first occurs, and the words "Deputy Commissioner or Magistrate as the case may be" shall be

substituted

substituted for the same word where it i

occurs at the end of paragraph.

11. At the end of section 48, insert

the following :-

"The officer may also, if he consi-

ders it necessary for the investigation

of the case, exercise the powers confer

by sections 44 to 47 before summoning th

person suspected."

12. (i) In section 55 of the said ---

Regulation the semicolon in clause (c)

shall be omitted and the following shal

be added to that clause :-

"the coca plant (Erythroxylum coca

or collects any portion of such plants

from which an intoxicating drug can be

manufactured ; or"

(ii) The following new clause shall

be inserted as clause (h), the last --

clause being numbered as (i) :-

"(h) bottles any liquor for purpos

of sale ; or".

13. The following shall be inserted

as section 55-A after section 55 :-

"Whoever attempts to render fit f

human

human consumption any spirit, whether manufactured in ~~xxxxxxxxxxxx~~ Mysore State or not, which has been denatured, or has in his possession any spirit in respect of which he knows or has reason to believe that any such attempt has been made, shall be liable to imprisonment for a term which may extend to three months or to ~~five~~ fine which may extend to one thousand rupees or to both."

14. At the end of the ~~f~~irst paragraph of section 56 of the said Regulation, the words "or being in the employ of such ~~holder~~ and acting on his behalf" shall be inserted; and in clause (b) of the same section for the words "does any ~~regula-~~ ~~tion~~" the words "wilfully does or omits to do anything" shall be substituted.

15. Section 62 of the said Regulation shall be omitted.

16. In section 65 of the said Regulation the words "or by means of " shall be inserted after the words "in respect of" in the first paragraph.

17. The following proviso shall be -- added at the end of section 66 :-

"Provided further that if the thing in question is liable to speedy and ... decay or if the Deputy Commissioner or ... other officer authorised by the Governm... of His Highness the Maharaja of Mysore ... that behalf is of opinion that the sale would be for the benefit of its owner, ... may at any time direct it to be sold and the provisions of this sub-section shall, as nearly as may be practicable, apply to the net proceeds of such sale"

18. In section 67 of the said Regula-tion for the words "section 56" the wor... "section 55 or section 56 or section 57 or section 58" shall be substituted.

19. The following shall be substitute... for section 71 of the said Regulation :

"the Government of His Highness th... Maharaja of Mysore may by notification either wholly or partially, subject to such conditions as he may think fit to prescribe, exempt any liquor or intoxic-ing drug from all or any of the provi-sions of this Regulation, either throug... out the State or in any specified area,

or

or for any specified period or occasion or as regards any specified class of -- persons".

STATEMENT OF OBJECTS AND REASONS.

The Excise Committee of 1905-1906 in dealing with the question of the revision of the Excise laws and rules in -- force in the various provinces of India recommended that provisions for the control of denatured spirit should be inserted in the local Excise Regulation and suggested that, when amendment of the Regulation for this purpose was in hand, the opportunity should be taken to carry out any further amendments which might be deemed advisable. The present Bill has been prepared accordingly. Besides the provisions for the control of denatured spirit, amendments have been included in the Bill so as to bring under control the process of --- bottling

bottling liquors for sale which the pres
-ing Regulation does not cover and to re
the provisions of the Regulation specifi
cally applicable to the products of the
cocoa plant. Various other matters to
which attention has been drawn either by
the Excise Committee's report or by pra-
ctical experience of the working of Myso
Excise Regulation IV of 1901
have been also provided for in the Bill,
and in the following remarks these are
briefly noticed in accordance with the
order of the clauses of the Bill in which
they occur :-

Clause 1 (5) - sub-clause ~~(iv)~~. - To obviate
difficulties in the control of the culti
cation of the hemp and cocoa plants it is
proposed to insert a definition of the
term "cultivation."

Clause 1 20A -sub-clause ~~(vi)~~ - The Excise
Regulation lays on officers in charge of
Police-stations the duty of taking charge
of and keeping in safe custody all contra
-band articles seized in excise cases --
which may be delivered to them. As at
under the new Police scheme, only some
Police stations have been retained as su
and others have been converted into out
posts, considerable difficulty is experi
enced by subordinate officers of the --
Excise Department, as contraband articles

seized

seized by them cannot be deposited in out-posts but have to be conveyed to Police stations which in many cases are at a considerable distance. As Police out-posts cannot under section 4 (1) (c) of the Code of Criminal Procedure be declared to be Police stations for the purposes of the Excise Regulation, it is proposed to insert the definition suggested in this clause.

Clause 2.- It is proposed to insert -- words to provide for regulating the cultivation of the cocoa plant and exercising control over the collection of only those portions of the hemp or cocoa plant from which intoxicating drugs can be -- manufactured, and to make it clear that licenses granted under section 19 of the present Regulation extend to and include servants and other persons employed by the licensees and acting on their behalf.

Clauses 3 (i) and (ii) - It is proposed here to make provision enabling the -- Government to prescribe the quantity of liquor or intoxicating drugs that may be possessed by persons of particular class of persons and to prohibit persons of -- classes of persons either absolutely or subject to certain conditions from possessing any liquor or intoxicating drug.

Clause 5.- (i) As there is no provision in the present Regulation enabling Government

Government to purchase Ganja from licen -ed cultivators, the words " or to any officer whom the Commissioner may pres- -cribe" are proposed to be added to sec -tion 15.

(ii) The first proviso to section 15 of the present Regulation is covered by the new section 71 which clause 19 proposes to substitute for the existing section 71, and it is therefore propose to strike out the proviso referred to.

(iii) The second proviso to section 15 of the present Regulation is propose to be modified so as to admit of sweet juice drawn for use as a beverage being exempted from the operations of the - - Regulation.

Clause 6 (i) - It is proposed to ins

a new clause in section 17 of the pres Regulation to legalise the collection duty on issues of Exciseable articles from a Distillery or warehouse.

(ii) The object of the prov proposed to be added by this clause to section 17 is to enable the duty on de -natured spirit or beer made in India be fixed at the same level as that on imported denatured spirit or beer. (2) It is ~~also~~ proposed to omit the existing proviso to the section as exemptions are sufficiently provided for by the n section 71 which is proposed to be ~~sub-mitted~~ substituted for the existing section 71 by clause ~~20.~~ 19

Clause

Clause 8. It is proposed to enable - - license to be cancelled when the licensee is shown to have been convicted of offen- -ces punishbale under certain additional Regulations. This proposal is in accord- -ance with the recommendations of the -- Excise Committee.

Clause 9. In this clause it is propose to recast section 27 of the present regu- -lation so as to make it applicable to manufacturers or sellers of all kinds of liquor or intoxicating drugs, as it is considered advisable to take power to -- require such dealers to keep proper - - weights and scales.

Clause 10. It is proposed to amplify section 29 of the present Regulation in certain respects (and to revise its pre- -amble.) 9

Clause 11. Provision is here made to enable the District Excise Officers who are not Magistrates and in whom the ad- -ministration of the Excise Revenue of the District is vested, to issue search warrants when necessary. 9

Clause ~~12~~ 11. Provision is made to enable an Excise Inspector to summon witnesses and hold an enquiry before proceeding to summon a person suspected of having - - committed an offence under the Regula- -tion.

Clause ~~14~~ 13. In this clause provision is made for the infliction of a sufficient penalty

penalty in cases of attempts to denature spirit and of possession of denatured spirit.

Clause ~~15~~ 14. It is proposed to amplify the section so as to cover cases of -- omissions on the part of licensees and of misconduct by the employee of a - - licensee acting on his behalf.

Clause ~~16~~ 15. The offences mentioned in section 62 of the present Regulation are such as can well be dealt with - - departmentally, and it is accordingly proposed to omit the section from the Regulation.

Clause ~~17~~ 12. In this clause provision is made for the sale of confiscated articles when they are liable to speedy and natural decay or when such sale is likely to benefit the owner. This pro -vision is borrowed from the Excise Committee's draft Bill and is likely to be useful in practice.

Clause ~~18~~ 18. With the view of reducing the number of prosecutions under the Excise Regulation, it is proposed to make section 67 of the present Regula- -tion which deals with the compounding of offences, more elastic by the in- clusion of offences under sections 55, 57 and 58 of the said Regulation among those which may be compounded.

Clause ~~20~~ 19. In the new section 71 pro-
posed in this clause, power is taken to
exempt any liquor or drug in any local
area from the operation of all or any
the provisions of the Regulation either
generally or as regards any specified
class. The exemption of medicated
articles will thus be brought within
the scope of the new section, rendering
the present section 71 unnecessary.

The following shall be substituted
for section 55-A:-

" Whoever renders or attempts to -
render fit for human consumption any
spirit whether manufactured in Mysore
State or not, which has been denatured
or has in his possession any spirit in res
-pect of which he knows or has reason
to believe that any such attempt has
been made, shall on conviction before
a Magistrate be liable to imprisonment
for a term which may extend to three -
months or to fine which may extend to
one thousand rupees or both. For the
purpose of this section it shall be --
presumed unless and until the contrary
is proved that any spirit which is -
proved on chemical analysis to contai
any quantity of any of the prescribed
denaturants ~~or~~ is or contains or has
been derived from denatured spirit".

Assistant Commissioner
for Excise Commissioner
absent from the sta

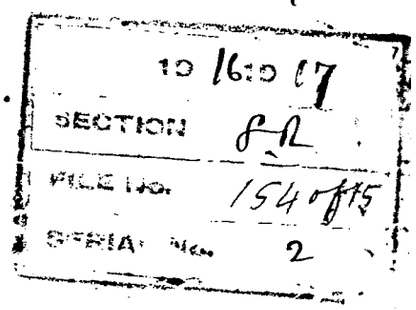
OFFICE OF THE EXCISE COMMISSIONER IN MYSORE.

A.C. No 162 of 1916-17

Bangalore, dated 8th July 1916.

Encl 1

DIARY No 140



FROM

P. Raghavendra Rao, Esq., B.A., B.L.
Excise Commissioner in Mysore.

To

L. Krishna Rao, Esquire,
Secretary to the Government of
His. Highness the Maharaja of Mysore,
General and Revenue Departments.
Bangalore.

Sir,

In continuation of my letter, No. 384, dated 29/31st March 1916 submitting in duplicate, a draft bill to consolidate and amend the Mysore Excise Regulation, V of 1901, I have the honor to state that the definition of the word "Excise Revenue" given in section 3 clause of the Excise Regulation runs as follows:- "'Excise Revenue' means revenue derived or derivable from any duty, fee, tax, rent, fine or confiscation imposed or ordered under the provisions of this Regulation or of any other Law for the time being in force relating to liquor or intoxicating drugs."

2. This definition is rather wide in its terms and the fine imposed by a Court of Law under the Excise Regulation may be construed to fall under Excise Revenue, which, however, is not the case at present. The fine imposed by a Magistrate in an Excise case is credited to " Law & Justice", and forms no part of Excise Revenue.

3. With a view to make this point clear and to remove the doubt existing in the interpretation of the definition, I beg to propose an amplification of the definition as noted in the enclosed memo and to request that the same may be taken into consideration along with the draft bill now before Government.

I have the honor to be,
Sir,
Your most obedient servant,

P. Raghavendra Rao
Excise Commissioner.

MRG.

From

P. Raghavendra Rao, Esq.,B.A.,B.L.,
Excise Commissioner in Mysore.

To

L. Krishna Rao, Esquire,
Secretary to the Government of
H. H. the Maharaja of Mysore,
~~Genl.~~ *Rev. Depts.*
Bangalore.

Dated 10th July 1916.

Despatched

Received

General No.

Enclosure No.

SUBJECT.

Amendment to the Excise Regulation

Proposing for consideration on ....

14/8

G.R.S. 34]

No. X 996

GOVERNMENT OF H. H. THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

( )

Office Memorandum.

To

the 16th August 1916.

The Excise Commr in Mysore.

The accompanying statement containing certain observations on some of the ~~the opinions of Govt~~ ~~contains~~ amendments to the Excise Regns proposed by him is forwarded with compliments for favour of his remarks.

180

14 8

14/8
Rev Secy to Govt

M.
11/8/16

10/8/16
11

GPB—10,000—13-8-16

Amendment proposed	Remarks.
-(i) To sec 12. proviso to include Servants & employees	The section already contains the amendment proposed.
2. 3(i) To sec 13. References to special persons, places or time.	In the Madras Act the words "or specially with regard to persons, places or time" have been inserted after the words "generally". May this be substituted for the one proposed?
3. (ii) do - Substitution of the word ~~Purchased for~~ "possessed" for "Purchased".	The word "of" has been used for the words "purchased by" in the Madras Act. May this amendment be preferred?
4. 5(ii) Sec 7. The insertion of a new proviso regarding the equality of duty.	The rates in Mysore may differ from those in British India as is the case at present. The proposed amendment and the object are not clear. The same may be explained.
5. 7. Sec 26. The reference to Merchandise Marks Act.	A reference to the provision contained in Regn: I of 1892 is necessary.
6. 9(i) Sec 29. References to clauses "O" etc. (K)	As clause (j) has been added in our Regulation the references to the clauses have to be modified
(ii) do. clause (l) after clause (K)	may not the proposed clause be combined with the existing clause (j) and the entire clause suitably altered?
7. 10. Sec 30. The inclusion of the words "Of Coorg or"	The circumstances in which it is proposed to invest the Excise Officers with power to issue search warrants may be stated.
8. 14. Sec 5 Amendment to include "Servants & employees".	Regn: VIII of 1913 already contains a provision in the matter somewhat similar to the one now proposed. No reference is made to the existing provision, which may perhaps suffice
9. Sec v. (1). Defn of "Excise Revenue"	When such fines are credited to "Law & Justice", whether the amendment proposed is quite necessary.

10/8/16

11/8

11/8

A.C. No: 162-16
Enc: two

OFFICE OF THE EXCISE COMMISSIONER IN MYSORE.

Bangalore, dated 25th August 1916

577

GEN. & REV. SECTION
FROM
2 SEP 1916

30
16:17
SECTION S.R.
FILE NO. 154-15
SERIAL NO. 4

P. RAGHAVENDRA RAO, ESQ., B.A., B.L.,
Excise Commissioner in Mysore.

To

L. Krishna Rao, Esquire,
Offg. *Secretary to the Government of*
His Highness the Maharaja of Mysore,
Revenue Department.

SIR,

I have the honor to forward herewith a copy of the statement received under cover of your official memo No. Fl. 996/S.R. 154-15-3, dated the 16th Instant, relating to certain amendments to the Excise Regulation noting my remarks against the points under reference.

I have the honor to be,
Sir,
Your most obedient servant,

D. [illegible]

Assistant Commissioner,
for Excise Commissioner,
absent from the station.

MRG.

W. D. 0232—GPE

191

FROM

P. RAGHAVENDRA RAO, ESQ., B.A., B.L
Excise Commissioner in Mysore.

To

Secretary to the Government of
H. H. the Maharaja of Mysore,
Revenue Department.

Dated 25- August 46

Despatched 30-8-46

Received

General No. A.C. No: 162-46.

Enclosure No. two nil

SUBJECT

Synopsis of legislature points for remarks by the Excise Commissioner.

Serial No.		Amendments proposed.	Observations by the Government.	Remarks by the Excise Commissio
1.	2 (ii)	To Sec. 12 Provision to include servants and employees.	The Section already contains the amendment proposed.	Yes. This may be omitted.
2.	3 (i)	To Sec. 13 Reference to special persons, place or time.	In the Madras Act the words "or specially with regard to persons," places or times" have been inserted after the word generally". May this be substituted for the one proposed?	Yes. This may be substituted.
3.	(ii)	-do- Substitution of the word "possessed" for "purchased"?	The word "of" has been used for the words "purchased by" in the Madras Act May this amendment be preferred?	Yes. The proposed amendment is pr ferrable.
4.	5 (ii)	Sec. 17. The insertion of a new proviso regarding the equality of duty.	The rates in Mysore may differ from those in British India as is the case at present. The proposed amendment and the object are not clear. The same may be explained.	The proposed amendment may be deleted.
5.	7.	Sec. 26. The reference to Merchandise Marks Act.	A reference to the provision contained in our Regulation I of 1892 is necessary.	Yes. The words "Regulation I of 1892" may be substituted for "Merchandis Marks Act of 1889".
6.	9 (i)	Sec. 29 Reference to clauses "C" &c.	As clause (j) has been added in our Regulation the references to the clauses have to be modified.	Yes. References to clauses unde. this section have been modified accordingly.
	(ii)	-do- Clause (1) after clause (K)	May not the proposed clause be combined with the existing clause (j) and the entire clause suitably altered.	Proposed clause (1) may be continu -ed with existing clause (j) the text of the combined clause (j) as reading as follows:-

(j) For regulating the cultivatic of hemp and coca plants, checking their spontaneous growth, the collection of those portions of such plants from which intoxicating drugs can be manufactured and the manufacture of such drugs there-

					the extirption from private holdings or Government lands of such plants; N.B. (The proposed amendments to Sec. 29 and also to clauses thereunde will be as detailed in Appendix A)
7.	10	Sec. 30 The inclusion of the words "Deputy Commissioner or".	③	The circumstances in which it is proposed invest District Excise Officers with power to issue search warrants may be stated.	The Magistracy in Mysore have already heavy magisterial work and can hardly find time to attend to the preliminary administration of special Laws burdened as they are with other executive work specially engaging their attention. For these reasons the words "Deputy Commissioners or District Excise Officers" were inserted as the latter could then conveniently relieve the magistracy of this priliminary function so far as it relates to the issue of search warrant in Excise cases under this Section. If this view does not commend itself the section may remain as it is.
8.	14.	Sec. 56. Amendment to include "Servants and employees".	②	Regulation VIII of 1913 already contains a provision in the matter somewaht similar to the one now proposed. No reference is made to the existing provision which may perhaps suffice.	Though a similar provision is contai -ed in Regulation VIII of 1913, the amendments proposed are preferrable as they are in consonance with the Madras Legislation.
		Sec. 3 (1) Definition of "Excise Revenue".	④	When such fines are credited to "Law and Justice" whether the amendment proposed is quite necessary.	Government Order No. 3735-44/S.R. 409, dated 24-8-1903 published in page 109 Vol. I of the Excise Manual is an executive order prescribing only the manner of accounting for the amount of fine imposed both by the Magistracy and by Departmental Officers. It is therefore necessary that the order in question should be legalised with a view to make the definition of "Excise Revenue" clear from a legal point of view.

D. Srinivasa Gowda

Assistant Commissioner,
for Excise Commissioner,
absent from the station.

MRG.

APPENDIX A.

10.

29(1) The Government of ~~His Highness the~~ Maharaja ~~of Mysore~~ may make rules for the purpose of carrying out the provisions of this Regulation:-

(2) In particular and without prejudice to the generality of the foregoing power Government may make rules,-

?

or any other law for the ... in force and relating to excise revenue

(a) regulating the mode in which toddy may be supplied to licensed vendors of the same or to persons who distill -- spirits from it, or who use it in the Manufacture of bread or jaggory ;

(b) for determining the number of licenses of each description to be granted in any District or place ;

(c) for regulating the number, size and descriptions of stills, utensils, implements and apparatus to be used in any distillery ;

(d) prescribing the instruments to be used in the testing of liquor and the tables of corrections according to temperature to be used therewith ;

(e) prescribing the measures to be used for the sale of country liquor and the scales and weights to be used for the sale of intoxicating drugs ;

(f) fixing for any local area the minimum price below which any country liquor shall not be sold or the retail price of any such liquor, and the whole sale and retail prices of intoxicating drugs ;

(ff) defining when liquor or drugs or any kind of liquor or drugs shall be deemed to

to be sold retail or wholesale ;

(g) for the warehousing of liquor and intoxicating drugs and for the removal of the same from any warehouse in which they are deposited for deposit in any other ware-house or for local consumption or for export ;

(h) for the inspection and supervision of stills, distilleries, private warehouses and breweries ;

(i) for the management of any public distillery or public warehouse established under Section 14 ;

(j) for regulating the cultivation of hemp and Coca plants, checking their spontaneous growth, the collection of those portions of such plants from which intoxicating drugs can be manufactured and the manufacture of such drugs therefrom and providing, where necessary, for the extirpation from private holdings or Government lands, of such plants;

(k) for placing the preparation of intoxicating drugs and the storage, export, import, possession or transport of liquor or intoxicating drugs under such supervision and control as may be deemed necessary for the purposes of this Regulation ;

(l) prohibiting the use of any article which the Government shall deem to be noxious or otherwise objectionable in the manufacture of liquor or of any intoxicating

ing drugs ;

(m) for the grant of batta to witnesses a of compensation for loss of time to person released by any Excise Officer under Secti 40 (3) of this Regulation on the groundtha they have been improperly arrested, and to persons charged before a Magistrate with - offences under this Regulation and acquitt

New. "(m) (1) declaring the process by which spirit manufactured in or imported into th ~~Presidency~~ State shall be denatured

(m) (2) for ~~causing~~ causing such spirit to be denatured through the agency or under the supervision of the Excise Officers ;

(m) (3) for ascertaining whether such spirit has been denatured ;

(m) regulating the power of Excise -- Officers to summon witnesses from a distan under section 44 ;

(n) (1) regulating the bottling of liquo for purposes of sale ;

(o) for the disposal of articles confis -ed and of the proceeds ~~xxxxx~~ thereof ;

"(o) (1) declaring in what cases or clas -es of cases and to what authorities appeals shall lie from orders, whether original or appellate, passed under this ~~Act~~ Regulation or under any rule made thereunder, or by what autho -rities such orders may be revised, and prescr -ing the time and manner of presenting - - appeals, and the procedure for dealing ther -with.

Regulation?

(p)

(p) generally to carry out the provisions of this Regulation or of any other law for the time being in force and relating to the Excise Revenue.

G. R. S. VI—S-III/13]

DRAFT

SUBJECT.....

.....

.....

Section. L.C

File No.

Serial No.

No. 409/L.C.

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

the.....*191*

Date of issue.....27/4/18

Signed by.....Mr G. Sreenivasa Iyer

NOTIFICATION.

Under Rule 31/32 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Excise Act, 190, is published for general information with the statement of objects and reasons.

By Order,

Secretary, Mysore Legislative Council.

(Here print the accompanying Bill with the statement of objects and reasons).

To

The Compiler, *Mysore Gazette* for publication in Part III of the Gazette in English and Kannada and for sending 100 copies in English and 25 copies in Kannada to this office. Proof should be sent to this office for approval before publication.

Bill further to amend the Mysore Excise Regulation, 1901.

Whereas it is expedient further to amend the Mysore Excise Regulation, 1901, His Highness the Maharaja is pleased to enact as follows:-

Amendment of Section 3 of the Regulation

1. In Section 3 the following amendments shall be made,

(1) At the end of Sub-Section (1) of the Section after the word "drugs" the words "but do not include a fine imposed by a court of law" shall be inserted.

(2) At the end of sub-section (8) after the word "distillation the words "whether it is denatured or not" shall be inserted

(3) After sub-section 8 the following new sub-section shall be inserted ~~(8A.)~~ "(8A) "Denatured" means subjected to a process prescribed by the Government by notification in the official Gazette for the

(4) In Sub-section 11 the word "or" occurring between the words "Batavia" and "Ceylon" shall be omitted and the word "or any other country which may be specified in the rules framed by Government from time to time in this behalf" shall be added at the end thereof.

(6) ~~(5)~~ After sub-section (17) the following sub-section shall be inserted.

"(17 A.) Cultivation" includes the tending or protecting of a plant during growth and does not necessarily imply raising it from seed."

(7) ~~(6)~~ After sub-section (18) the following sub-section shall be ~~added~~ inserted.

"(18 A.) "bottle" means to transfer liquor from a cask or other vessel to a bottle, jar or flask or similar receptacle for the purpose of sale whether any process of manufacture be employed or not and includes rebottling"

(8) ~~(7)~~ After sub-section (20) the following sub-section shall be added.

"(21 A.) "Police Station" includes any place which the Government may, by notification declare to be a Police station for the purposes of this Regulation."

Amendment of Section 12.

2. In Section 12 the following amendments shall be made.-

(1) In the first paragraph after the words "hemp plant (cannabis sativa or Indica)" the words " or coca plant (Erythroxylum coca)" shall be inserted.

(2) Between the second and the hird paragraph the following paragraph hall be inserted,-

"no portion of the hemp or coca plant from which any intoxicating drug can be manufactured shall be collected."

(3) The word "and" occurring at the end of the fourth paragraph shall be omitted and the following new paragraph substituted after the same.-

"no liquor shall be bottled for sale; and"

Amendment of Section 13.

3. In section 13 the following amendment shall be made:-

(1) In the first paragraph of the section for the words "for the whole of Mysore or for any local area "the words " or specially with regard to persons, places or time," shall be substituted

(2) In proviso (2) to the section after the words "foreign liquor" the words "other than denatured spirit" shall be inserted and for the words "purchased by" the word "of" shall be substituted.

Addition of Section 13 A.

4. After section 13 the following new section shall be inserted.

Prohibition of possession of any liquor or intoxicating drug.

"13 A. Government may by notification prohibit the possession by any person or class of persons either throughout the whole of Mysore or in any local area, of any liquor or intoxicating drug either absolutely or subject to such conditions as they may prescribe."

Amendment of Section 18.

5. In section 15 the following amendments shall be made.

(1) After the words "intoxicating drugs" at the end of the first proviso the words "or to any officer whom the ~~Deputy~~ Excise Commissioner may generally or specially authorise" shall be inserted.

(2) ~~Between the first proviso to the section and~~ the second proviso the following shall be substituted.-

"Provided also that a license for sale in more than one district shall be granted by the Excise Commissioner."

(3) In the third proviso to the section the words "by notification" shall be substituted for the words "in like manner" and the words "under such conditions as the Excise Commissioner may prescribe" for the words "in pots or other receptacles freshly

coated internally with lime, for the purpose of the manufacture of jaggery."

(4) At the end of the section the following new clause shall be inserted -

"nothing in this section applies to the sale of any foreign liquor legally procured by any person for his private use and sold by him or by auction on his behalf or on behalf of his representatives in interest upon his quitting a station or after his decease."

Amendment of Section 17.

6. In section 17 the following amendments shall be made -

(1) After paragraph (e) of the section the following new paragraph shall be inserted -

"(ee) Issued from a distillery or warehouse licensed or established under section 12 or section 14, or".

(2) The proviso to the section shall be omitted.

Amendment of Section 18.

7. In section 18 the following amendments shall be made:-

(1) In clause (a) of the section for the words "the distillery or brewery" the words " a distillery, brewery or warehouse licensed or established under section 12 or section 14 " shall be substituted.

(2) At the end of clause (b) of the section the words "or issued from a warehouse licensed or established under section 14" shall be added.

(3) In clause (f) the words "import, export or" shall be inserted before the word "transport".

(4) At the end of the section the following proviso shall be inserted.

"Provided that when there is a difference of duty, as between two license periods such difference may be collected in respect of all stocks of country liquor or intoxicating drugs held by licensees at the close of the former period."

Amendment of Section 26.

8. In clause (c) of section 26 of the Regulation after the words "non-bailable offence" the words "or of any offence under the Merchandise Marks Regulation, 1892, or under sections 478 to 489 of the Indian Penal Code, 1860" shall be inserted.

Substitution of a new section for - Section 27.

9. For section 27 of the Regulation the following shall be substituted.-

"27. Every person who manufactures or sells any liquor or intoxicating drugs under a license granted under this Regulation shall be bound -

(a) to supply himself with such measures, weights and instruments as Government may prescribe and to keep the same in good condition; and

(b) on the requisition of any Excise Officer duly empowered in that behalf at any time to measure or weigh any liquor or intoxicating drug or test any liquor in his possession in such manner as the said Excise Officer may require."

Substitution of a new section for - section 29.

10. For section 29 of the Regulation the following new section shall be substituted -

Power to frame Rules.

29 (1) Government may make rules for the purpose of carrying out the provisions of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing provision Government may make rules, --

(a) regulating the mode in which toddy may be supplied to licensed vendors of the same or to persons who distill spirits from it, or who use it in the manufacture of bread or jaggery;

(b) for determining the number of licenses of each description to be granted in any District or place;

(c) for regulating the number, size and description of stills, utensils, implements and apparatus to be used in any distillery;

(d) prescribing the instruments to be used in the testing of liquor and the tables of corrections according to temperature to be used therewith;

(e) prescribing the measures to be used for the sale of country liquor and the scales and weights to be used for the sale of intoxicating drugs;

(f) fixing for any local area the minimum price below which any country liquor shall not be sold or the retail price of any such liquor and the wholesale and retail prices of intoxicating drugs;

(g) defining when liquor or drugs or any kind of liquor or drugs shall be deemed to be sold retail or wholesale;

(h) for the warehousing of liquor and intoxicating drugs and for the removal of the same from any warehouse in which they are deposited for deposit in any other warehouse or for local consumption or for export;

(i) for the inspection and supervision of stills, distilleries, private warehouses and breweries;

(j) for the management of any public distillery or public warehouse established under Section 14;

(k) for regulating the cultivation of hemp and coca plants, checking their spontaneous growth, the collection of those portions of such plants from which intoxicating drugs can be manufactured and the manufacture of such drugs therefrom and providing, where necessary, for the extirpation from private holdings or Government lands, of such plants;

(l) for placing the preparation of intoxicating drugs and the storage, import, export, possession or transport of liquor or intoxicating drugs under

under such supervision and control as may be deemed necessary for the purposes of this Regulation;

(m) Prohibiting the use of any article which the Government shall deem to be noxious or otherwise objectionable in the manufacture of liquor or of any intoxicating drug;

(n) prohibiting the use of any article which the Government shall deem to be noxious or otherwise objectionable in the manufacture of liquor or of any intoxicating drug;

(o) for the grant of batta to witnesses and of compensation for loss of time to persons released by any Excise Officer under section 40 (3) of this Regulation on the ground that they have been improperly arrested and to persons charged before a magistrate with offences under this Regulation and acquitted;

(p) declaring the process by which spirit manufactured in or imported into the State shall be denatured;

(q) for causing such spirit to be denatured through the agency or under the supervision of the Excise Officers;

(q) for ascertaining whether such spirit has been denatured;

(r) regulating the power of Excise Officers to summon witnesses from a distance under section 44;

(s) regulating the bottling of liquor for purposes of sale;

(t) for the disposal of articles confiscated and of the proceeds thereof;

(u) declaring in what cases or classes of cases and to what authorities appeals shall lie from orders, whether original or appellate, passed under this Regulation or under any rule made thereunder, or by what authorities such orders may be revised and prescribing the time and manner of presenting appeals, and the procedure for dealing therewith.

Inspec-
ice
of a
below
oy a
d.

Amendment of Section 48.

12. At the end of section 48 insert the following sentence.

"The Officer may also, if he considers it necessary for the investigation of the case, exercise the powers conferred by sections 44 to 47 before summoning the person suspected."

Amendment of section 55.

13 12. In section 55 of the Regulation the following amendments shall be made--

(1) At the end of clause (c) of the section the following shall be added,-

" or the coca plant (Erythroxylum coaa) or collects any portion of such plants from which an intoxicating drug can be manufactured; or"

(2) The following new clause shall be inserted after clause (g), -

"(gg) bottles any liquor for purposes of sale; or"

Addition of a new section after --- section 55.

14 13. After section 55 the following new section shall be inserted.-

For rendering or attempting to render denatured spirit fit for human consumption

"55 A. Whoever renders or attempts to render fit for human consumption any spirit whether manufactured in Mysore State or not, which has been denatured, or has in his possession any spirit in respect of which he knows or has reason to believe that any such attempt has been made, shall on conviction before a Magistrate be liable to imprisonment for a term which may extend to three months or to fine which may extend to one thousand rupees or both. For the purpose of this section it shall be presumed unless and until the contrary is proved that any spirit which is ---

proved on chemical analysis to contain any quantity of any of the prescribed denaturants is or contains or has been derived from denatured spirit."

Amendment of Section 56.

15 ~~14~~. At the end of the first paragraph of section 56 the words "and acting on his behalf" shall be inserted and in clause (b) of the section for the words " does any act" the words "wilfully does or omits to do anything" shall be substituted.

Omission of Section 62.

16 ~~15~~. Section 62 of the Regulation shall be omitted.

Amendment of Section 65.

17 ~~16~~. In section 65 the words "or by means of" shall be inserted after the words "in respect of".

Amendment of Section 66.

18 ~~17~~. At the end of section 66 the following proviso shall be added.

" Provided further that if the thing in question ~~xxx~~ is likely to speedy and natural decay or if the Excise Commissioner or any other officer authorised by Government in that behalf is of opinion that the sale would be for the benefit of its owner, he may at any time direct it to be sold, and the provisions of this section shall, as nearly as may be practicable, apply

Addition of a new section after section 68.

20. After section 68 add the following - new section as section 68A.

"68 A - Any Local Authority empowered - by Government in this behalf may appoint Excise Advisory Committees in accordance with rules prescribed by Government for the purpose. The rights and duties of -- such Excise Advisory Committees under -- this Regulation shall be such as may provided for by rules made in this by Government from time to time lished in the official Gazette."

tp the net proceeds of such sale."

Amendment of Section 67.

19 18. In section 67 of the Regulation for the words "section 56" the words "section 55 or section 56 or section 57 or section 58" shall be substituted.

Substitution of a new section for - section 71.

20 19. For section 71 of the Regulation the following new section shall be substituted --

" 71. Government may by notification either wholly or partially, subject to such conditions as it may think fit to prescribe, exempt any liquor or intoxicating drug from all or any of the provisions of this Regulation, either throughout the State or in any specified area or for any specified period or occasion or as regards any specified class of persons."

STATEMENT OF OBJECTS AND REASONS.

The Excise Committee of 1905-1906 in dealing with the question of the revision of the Excise laws and rules in force in the various provinces of India recommended that provisions for the control of denatured spirit should be inserted in the local Excise Regulation. and suggested that, when the amendment of the Regulation for this purpose was

in hand, the opportunity should be taken to carry out any further amendments which might be deemed advisable. The present Bill has been prepared accordingly. Besides the provisions for the control of denatured spirit, amendments have been included in the Bill so as to bring under control the process of bottling liquors for sale which the existing Regulation does not cover and to make the provisions of the Regulation specifically applicable to the products of the cocoa plant. Various other matters to which attention has been drawn either by the Excise Committee's report or by practical experience of the working of the Mysore Excise Regulation IV of 1901 have been also provided for in the Bill, ~~and in the following remarks these are briefly noticed in accordance with the order of the clauses of the Bill in which they occur:-~~

Notes on clauses

Clause 1 - sub-clause (5) - To obviate difficulties in the control of the cultivation of the hemp and cocoa plants it is proposed to insert a definition of the term "cultivation."

Clause 1 - Sub-Clause (8) - The Excise Regulation lays on officers in charge of Police stations the duty of taking charge of and keeping in safe custody all contraband articles seized in excise cases which may be delivered to them. Now that under the new Police scheme, only some Police stations have been retained as such and others have been converted into outposts, considerable difficulty is experienced by subordinate officers of the Excise Department, as contraband articles seized by them cannot be deposited in outposts but have to be conveyed to Police stations which in many cases are at a considerable distance. As Police outposts cannot under section 4 (1) (o) of the Code of Criminal Procedure, 1904, be declared to be Police stations for the purposes of the Excise Regulation, it is proposed to insert the definition suggested in this clause.

Clause 2 - It is proposed to insert words to provide for regulating the cultivation of the coca plant and exercising control over the collection of only those portions of the hemp or coca plant from which intoxicating drugs can be manufactured, ~~and to make~~

~~t clear that licensee granted under section 12 of the present Regulation extend to and include servants and other persons employed by the licensees and acting on their behalf~~.

Clause 3 (1) and (2) - It is proposed here to make provision enabling the Government to prescribe the quantity of liquor or intoxicating drugs that may be possessed by persons of particular classes or persons and to prohibit persons of classes of persons either absolutely or subject to certain conditions from possessing any liquor or intoxicating drug.

Clause 5 - (1) - As there is no provision in the present Regulation enabling Government to purchase ganja from licensed cultivators, the words "or to any officer whom the Excise Commissioner may ~~prescribe~~ generally or specially authorise" are proposed to be added to section 15.

(2) The ~~first~~ second proviso to section 15 of the present Regulation is covered by the new section 71 which clause 29 proposes to substitute for the existing section 71, and it is therefore proposed to strike out the proviso referred to.

(~~iii~~ 3) The ~~second~~ third proviso to section 15 of the present Regulation is proposed to be modified so as to admit of sweet juice drawn for use as a beverage being exempted from the operations of the Regulation.

Clause 6 (i) - It is proposed to insert a new clause in section 17 of the present Regulation to legalise the collection of duty on issues of Exciseable articles from a Distillery or warehouse.

(2) It is proposed to omit the existing proviso to the section as exemptions are sufficiently provided for by the new section 71 which is proposed to be substituted for the existing section 71 by clause 19.

Clause 8. - It is proposed to enable license to be cancelled when the licensee is shown to have been convicted of offences punishable under certain additional Regulations. This proposal is in accordance with the recommendation of the Excise Committee.

Clause 9. - In this clause it is proposed to recast section 27 of the present regulation so as to make it applicable to manufacturers or sellers of all kinds

of liquor or intoxicating drugs, as it is considered advisable to take power to require such dealers to keep proper weights and scales.

Clause 10. - It is proposed to amplify section 29 of the present Regulation in certain respects.

Clause ~~11~~ 12. - Provision is made to enable an Excise Inspector to summon witnesses and hold an enquiry before proceeding to summon a person suspected of having committed an offence under the Regulation.

Clause ~~13~~ 14. - In this clause provision is made for the infliction of a sufficient penalty in cases of attempts to denature spirit rendered fit for human consumption and of possession of denatured spirit knowingly being in respect of which such an attempt has been made.

Clause ~~14~~ 15. - It is proposed to amplify the section so as to cover cases of omissions on the part of licensees and of misconduct by the employee of a licensee acting on his behalf.

Clause ~~15~~ 16. - The offences mentioned in section 62 of the present Regulation are such as can well be dealt with departmentally, and it is accordingly proposed to omit the section from the Regulation.

Regulation

Proposed to omit the section like th
[illegible] etc. if is accurate)
sis. such as cannot be dealt with
section 25 of the present Regulation
Clause 19. - The offence mentioned i
language noting on the memo[illegible]
[illegible] of the Manager of
omission on the part of licensee and
the section so as to cover cases o
Clause 14. - It is proposed to amplif
[illegible]
spirits [illegible] and of possession of counterfeit
[illegible] in cases of attempts to [illegible]
made for the IMITATION of a sanitizer
Clause 15. - In this clause provision
Regulation.

of having committed an offence under t
proceeding to summon a person suspecte
[illegible] and duty at about to depart
unable an Excise Inspector to summon
Clause 16. - Provision is made to
in certain respects.

section 25 of the present Regulation
Clause 10. - It is proposed to amplif
higher weights and measures.

power to reduce such quotas to keep
it is considered advisable to take
of trade or increasing drugs, as

Clause ~~14~~ 16. - In this clause provision is made for the sale of confiscated articles when they are liable to speedy and natural decay or when such sale is likely to benefit the owner. This provision is borrowed from the Excise Committee's draft Bill and is likely to be useful in practice.

Clause ~~15~~ 17. - With the view of reducing the number of prosecutions under the Excise Regulation, it is proposed to make section 67 of the present Regulation which deals with the compounding of offences, more elastic by the inclusion of offences under sections 55,57 and 58 of the said Regulation among those which may be compounded.

Clause ~~25~~ 24. - In the new section 71 proposed in this clause, power is taken to exempt any liquor or drug in any local area from the operation of all or any of the provisions of the Regulation either generally or as regards any specified class. The exemption of medi~~fi~~cated articles will thus be brought within the scope of the new section, rendering the present section 71 unnecessary.

Clause 14. - In this clause provision is made for the sale of confiscated articles when they are likely to decay or when the keeping of them would be burdensome or inconvenient. The exemption of motor vehicles from the operation of the section, however, appears to be unnecessary.

Clause 15. - In the new section 21 provision is made for the disposal of the confiscated articles when the owner cannot be found or when it is impossible to effect delivery to him. This provision is borrowed from the Excise Act and is likely to benefit the owner. This provision should, however, be made subject to the payment of the charges and expenses which may be incurred in keeping the articles.

Clause 16. - With the view of reducing the number of prosecutions under the Excise Act, it is proposed to make section 67 of the present Regulation which deals generally with the compounding of offences, more effective by increasing the maximum penalty which may be compounded.

Clause 17. - In the new section 21 provision is made for the search of persons and premises in the case of offences against the Regulation other than those in respect of which the Commissioner is empowered to compound.

NOTIFICATION.

No. 409—L. C., dated 27th February 1918.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Excise Regulation, 1901, is published for general information with the statement of objects and reasons.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Bill further to amend the Mysore Excise Regulation, 1901

Whereas it is expedient further to amend the Mysore Excise Regulation, 1901, His Highness the Maharaja is pleased to enact as follows:—

Amendment of section 3 of the Regulation.

1. In section 3 the following amendments shall be made,—

(1) At the end of sub-section (1) of the section after the word "drugs" the words "but does not include a fine imposed by a court of law" shall be inserted.

(2) At the end of sub-section (8) after the word "distillation" the words "whether it is denatured or not" shall be inserted.

(3) After sub-section (8) the following new sub-section shall be inserted "(8 A) 'Denatured' means subjected to a process prescribed by the Government by notification in the official Gazette for the purpose of rendering unfit for human consumption."

(4) In sub-section (11) the word "or" occurring between the words "Batavia" and "Ceylon" shall be omitted and the words "or any other country which may be specified in the rules framed by Government from time to time in this behalf" shall be added at the end thereof.

(5) In sub-section (13) the words "or the coca plant (*Erythroxylum coca*)" shall be inserted after the words "the hemp plant (*Cannabis sativa or Indica*)".

(6) After sub-section (17) the following sub-section shall be iserted,—

"(17 A.) 'Cultivation' includes the tending or protecting of a plant during growth and does not necessarily imply raising it from seed."

(7) After sub-section (18) the following sub-section shall be inserted,—

"(18 A.) 'bottle' means to transfer liquor from a cask or other vessel to a bottle, jar or flask or similar receptacle for the purpose of sale whether any process of manufacture be employed or not and includes rebottling."

(8) After sub-section (20) the following sub-section shall be added,—

"(21) 'Police Station' includes any place which the Government may, by notification declare to be a Police station for the purposes of this Regulation."

Amendment of section 12.

2. In section 12 the following amendments shall be made:—

(1) In the first paragraph after the words "hemp plant (*cannabis sativa* or *Indica*)" the words "or coca plant (*Erythroxylum coca*)" shall be inserted.

(2) Between the second and the third paragraph the following paragraph shall be inserted,—

"no portion of the hemp or coca plant from which any intoxicating drug can be manufactured shall be collected."

(3) The word "and" occurring at the end of the fourth paragraph shall be omitted and the following new paragraph substituted after the same.—

"No liquor shall be bottled for sale; and"

Amendment of section 13.

3. In section 13 the following amendments shall be made:—

(1) In the first paragraph of the section for the words "for the whole of Mysore or for any local area" the words "or specially with regard to persons places or time," shall be substituted.

(2) In proviso (2) to the section after the words "foreign liquor" the words "other than denatured spirit" shall be inserted and for the words "purchased by" the word "of" shall be substituted.

Addition of section 13 A.

4. After section 13 the following new section shall be inserted.

"13 A. Government may by notification prohibit the possession by any person or class of persons either throughout the whole of Mysore or in any local area, of any liquor or intoxicating drug either absolutely or subject to such conditions as they may prescribe."

Prohibition of possession of any liquor or intoxicating drug.

Amendment of section 15.

5. In section 15 the following amendments shall be made.

(1) After the words "intoxicating drugs" at the end of the first proviso the words "or to any officer whom the Excise Commissioner may generally or specially authorise" shall be inserted.

(2) For the second proviso the following shall be substituted.—

rovided also that a license for sale in more than one district shall be granted by the Excise Commissioner."

(3) In the third proviso to the section the words "by notification" shall be substituted for the words "in like manner" and the words "under such conditions as the Excise Commissioner may prescribe" for the words "in pots or other receptacles freshly coated internally with lime, for the purpose of the manufacture of jaggery."

(4) At the end of the section the following new clause shall be inserted—

"nothing in this section applies to the sale of any foreign liquor legally procured by any person for his private use and sold by him or by auction on his behalf or on behalf of his representatives in interest upon his quitting a station or after his decease."

Amendment of section 17.

6. In section 17 the following amendments shall be made—

(1) After paragraph (*e*) of the section the following new paragraph shall be inserted—

"(ee) Issued from a distillery or warehouse licensed or established under section 12 or section 14, or"

(2) The proviso to the section shall be omitted.

Amendment of section 18.

7. In section 18 the following amendments shall be made :—

(1) In clause (*a*) of the section for the words "the distillery or brewery" the words "a distillery, brewery or warehouse licensed or established under section 12 or section 14" shall be substituted.

(2) At the end of clause (*b*) of the section the words "or issued from a warehouse licensed or established under section 14" shall be added.

(3) In clause (*f*) the words "import, export or" shall be inserted before the word "transport."

(4) At the end of the section the following proviso shall be inserted.

"Provided that when there is a difference of duty, as between two license periods such difference may be collected in respect of all stocks of country liquor or intoxicating drugs held by licensees at the close of the former period."

Amendment of section 26.

8. In clause (*c*) of section 26 of the Regulation after the words "non-bailable offence" the words "or of any offence under the Merchandise Marks Regulation, 1892, or under sections 478 and 489 of the Indian Penal Code, 1860" shall be inserted.

Substitution of a new section for section 27.

9. For section 27 of the Regulation the following shall be substituted :—

"27. Every person who manufactures or sells any liquor or intoxicating drugs under a license granted under this Regulation shall be bound—

(*a*) to supply himself with such measures, weights and instruments as Government may prescribe and to keep the same in good condition; and

(*b*) on the requisition of any Excise Officer duly empowered in that behalf at any time to measure or weigh any liquor or intoxicating drug or test any liquor in his possession in such manner as the said Excise Officer may require."

Substitution of a new section for section 29.

10. For section 29 of the Regulation the following new section shall be substituted:—

Power to frame rules.

"29 (1) Government may make rules for the purpose of carrying out the provisions of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing provision Government may make rules,—

(*a*) regulating the mode in which toddy may be supplied to licensed vendors of the same or to persons who distill spirits from it, or who use it in the manufacture of bread or jaggory;

(*b*) for determining the number of licenses of each description to be granted in any district or place;

(*c*) for regulating the number, size and description of stills, utensils, implements and apparatus to be used in any distillery;

(*d*) prescribing the instruments to be used in the testing of liquor and the tables of corrections according to temperature to be used therewith;

(*e*) prescribing the measures to be used for the sale of country liquor and the scales and weights to be used for the sale of intoxicating drugs;

(*f*) fixing for any local area the minimum price below which any country liquor shall not be sold or the retail price of any such liquor and the wholesale and retail prices of intoxicating drugs;

(*g*) defining when liquor or drugs or any kind of liquor or drugs shall be deemed to be sold retail or wholesale;

(*h*) for the warehousing of liquor and intoxicating drugs and for the removal of the same from any warehouse in which they are deposited for deposit in any other warehouse or for local consumption or for export;

(*i*) for the inspection and supervision of stills, distilleries, private warehouses and breweries;

(*j*) for the management of any public distillery or public warehouse established under section 14;

(*k*) for regulating the cultivation of hemp and coca plants, checking their spontaneous growth, the collection of those portions of such plants from which intoxicating drugs can be manufactured and manufacture of such drugs therefrom and providing, where necessary, for the extirpation from private holdings or Government lands, of such plants;

(*l*) for placing the preparation of intoxicating drugs and the storage, import, export, possession or transport of liquor or intoxicating drugs under such supervision and control as may be deemed necessary for the purposes of this Regulation;

(*m*) prohibiting the use of any article which the Government shall deem to be noxious or otherwise objectionable in the manufacture of liquor or of any intoxicating drug;

(*n*) for the grant of batta to witnesses and of compensation for loss of time to persons released by any Excise Officer under section 40 (3) of this Regulation on the ground that they have been improperly arrested and to persons charged before a magistrate with offences under this Regulation and acquitted;

(*o*) declaring the process by which spirit manufactured in or imported into the State shall be denatured;

(*p*) for causing such spirit to be denatured through the agency or under the supervision of the Excise Officers;

(*q*) for ascertaining whether such spirit has been denatured;

(*r*) regulating the power of Excise Officers to summon witnesses from a distance under section 44;

(*s*) regulating the bottling of liquor for purposes of sale

(*t*) for the disposal of articles confiscated and of the proceeds thereof;

(*u*) declaring in what cases or classes of cases and to what authorities appeals shall lie from orders, whether original or appellate, passed under this Regulation or under any rule made thereunder, or by what authorities such orders may be revised and prescribing the time and manner of presenting appeals, and the procedure for dealing therewith.

Amendment of section 31.

11. In section 31 of the Regulation for the words "any Excise or Police Officer not below the rank of Inspector or a Police Station Officer" the words "any Police Officer not below the rank of an officer in charge of a police station or any Excise Officer of a rank not below that to be specified from time to time by Government by a notification in the official Gazette" shall be substituted.

Amendment of section 48.

12. At the end of section 48 insert the following sentence :—

"The officer may also, if he considers it necessary for the investigation of the case, exercise the powers conferred by sections 44 to 47 before summoning the person suspected."

Amendment of section 55.

13. In section 55 of the Regulation the following amendments shall be made—

(1) At the end of clause (*c*) of the section the following shall be added,—

or the coca plant (*Erythroxylum coca*) or collects any portion of such plants from which an intoxicating drug can be manufactured; or"

(2) The following new clause shall be inserted after clause (*g*),—

(*gg*) bottles any liquor for purposes of sale; or"

Addition of a new section after section 55.

14. After section 55 the following new section shall be inserted :—

For rendering or attempting to render denatured spirit fit for human consumption.

"55 A. Whoever renders or attempts to render fit for human consumption any spirit whether manufactured in Mysore State or not, which has been denatured, or has in his possession any spirit in respect of which he knows or has reason to believe that any such attempt has been made, shall on conviction before a Magistrate be liable to imprisonment for a term which may extend to three months or to fine which may extend to one thousand rupees or both. For the purpose of this section it shall be presumed unless and until the contrary is proved that any spirit which is proved on chemical analysis to contain any quantity of any of the prescribed denaturants is or contains or has been derived from denatured spirit."

Amendment of section 56.

15. At the end of the first paragraph of section 56 the words "and acting on s behalf" shall be inserted and in clause (*b*) of the section for the words "does any act" the words "wilfully does or omits to do anything" shall be substituted.

Omission of section 62.

16. Section 62 of the Regulation shall be omitted.

Amendment of section 65.

17. In section 65 the words "or by means of" shall be inserted after the words "in respect of."

Amendment of section 66.

18. At the end of section 66 the following proviso shall be added :—

"Provided further that if the thing in question is likely to speedy and natural decay or if the Excise Commissioner or any other officer authorised by Government in that behalf is of opinion that the sale would be for the benefit of its owner, he may at any time direct it to be sold, and the provisions of this section shall, as nearly as may be practicable, apply to the net proceeds of such sale."

19. In section 67 of the Regulation for the words "section 56" the words "section 55 or section 56 or section 57 or section 58" shall be substituted.

Amendment of section 67.

Addition of a new section after section 68.

20. After section 68 the following new section shall be added as section 68 A.

"68 A—Any Local Authority empowered by Government in this behalf may appoint Excise Advisory Committees in accordance with rules prescribed by Government for the purpose. The rights and duties of such Excise Advisory Committees under this Regulation shall be such as may be provided for by rules made in this behalf by Government from time to time and published in the official Gazette."

Excise Advisory Committees.

Substitution of a new section for section 71.

21. For section 71 of the Regulation the following new section shall be substituted:—

"71. Government may by notification either wholly or partially, subject to such conditions as it may think fit to prescribe, exempt any liquor or intoxicating drug from all or any of the provisions of this Regulation, either throughout the State or in any specified area or for any specified period or occasion or as regards any specified class or persons."

Exception of medicated articles.

STATEMENT OF OBJECTS AND REASONS.

The Excise Committee of 1905-06 in dealing with the question of the revision of the Excise laws and rules in force in the various provinces of British India recommended that provisions for the control of denatured spirit should be inserted in the local Excise Regulations, and suggested that, when the amendment of the Regulations for this purpose were in hand, the opportunity should be taken to carry out any further amendments which might be deemed advisable. The present Bill has been prepared accordingly. Besides the provisions for the control of denatured spirit, amendments have been included in the Bill so as to bring under control the process of bottling liquors for sale which the existing Regulation does not cover and to make the provisions of the Regulation specifically applicable to the products of the coca plant. Various other matters to which attention has been drawn either by the Excise Committee's report or by practical experience of the working of the Mysore Excise Regulation, IV of 1901, have been also provided for in the Bill.

Notes on clauses.

Clause 1—Sub-clause (5)—To obviate difficulties in the control of the cultivation of the hemp and coca plants it is proposed to insert a definition of the term "cultivation."

Clause 1—Sub-clause (8)—The Excise Regulation lays on officers in-charge of Police stations the duty of taking charge of and keeping in safe custody all contraband articles seized in excise cases which may be delivered to them. Now that under the new Police scheme, only some Police stations have been retained as such and others have been converted into outposts, considerable difficulty is experienced by subordinate officers of the Excise Department, as contraband articles seized by them cannot be deposited in outposts but have to be conveyed to Police stations which in many cases are at a considerable distance. As police outposts cannot under section 4 (1) (s) of the Code of Criminal Procedure, 1904, be declared to be Police Stations for the purpose of the Excise Regulation, it is proposed to insert the definition suggested in this clause.

Clause 2.—It is proposed to insert words to provide for regulating the cultivation of the coca plant and exercising control over the collection of only those portions of the hemp or coca plant from which intoxicating drugs can be manufactured.

Clause 3 (1) and (2)—It is proposed here to make provision enabling the Government to prescribe the quantity of liquor or intoxicating drugs that may be possessed by persons or particular classes of persons and to prohibit persons or classes of persons either absolutely or subject to certain conditions from possessing any liquor or intoxicating drug.

Clause 5.—(1) As there is no privision in the present Regulation enabling Government to purchase ganja from licensed cultivators, the words "or to any officer whom the Excise Commissioner may generally or specially authorise" are proposed to be added to section 15.

(2) The second proviso to section 15 of the present Regulation is covered by the new section 71 which clause 21 proposes to substitute for the existing section 71. It is therefore proposed to strike out the proviso referred to.

(3) The third proviso to section 15 of the present Regulation is proposed to be modified so as to admit of sweet juice drawn for use as a beverage being exempted from the operations of the Regulation.

Clause 6.—(1) It is proposed to insert a new clause in section 17 of the present Regulation to legalise the collection of duty on issues of exciseable articles from a distillery or warehouse.

(2) It is proposed to omit the existing proviso to the section as exemptions are sufficiently provided for by the new section 71 which is proposed to be substituted for the existing section 71 by clause 21.

Clause 8.—It is proposed to enable license to be cancelled when the licensee is shown to have been convicted of offences punishable under certain additional Regulations. This proposal is in accordance with the recommendations of the Excise Committee.

Clause 9.—In this clause it is proposed to recast section 27 of the present regulation so as to make it applicable to manufacturers or sellers of all kinds of liquor or intoxicating drugs, as it is considered advisable to take power to require such dealers to keep proper weights and scales.

Clause 10.—It is proposed to amplify section 29 of the present Regulation in certain respects.

Clause 12.—Provision is made to enable an Excise Inspector to summon witnesses and hold an enquiry before proceeding to summon a person suspected of having committed an offence under the Regulation.

Clause 14.—In this clause provision is made for the infliction of a sufficient penalty in cases of attempts to render fit for human consumption denatured spirit and of knowingly being in possession of denatured spirit in respect of which such an attempt has been made.

Clause 15.—It is proposed to amplify the section so as to cover cases of omissions on the part of licensees and of misconduct by the employee of a licensee acting on his behalf.

Clause 16.—The offences mentioned in section 62 of the present Regulation are such as can well be dealt with departmentally, and it is accordingly proposed to omit the section from the Regulation.

Clause 18.—In this clause provision is made for the sale of confiscated articles when they are liable to speedy and natural decay or when such sale is likely to benefit the owner. This provision is borrowed from the Excise Committee's draft Bill and is likely to be useful in practice.

Clause 19.—With the view of reducing the number of prosecutions under the Excise Regulation, it is proposed to make section 67 of the present Regulation which deals with the compounding of offences, more elastic by the inclusion of offences under sections 55, 57 and 58 of the said Regulation among those which may be compounded.

Clause 21.—In the new section 71 proposed in this clause, power is taken to exempt any liquor or drug in any local area from the operation of all or any of the provisions of the Regulation either generally or as regards any specified class. The exemption of medicated articles will thus be brought within the scope of the new section, rendering the present section 71 unnecessary.

1 1318

G. R. S. V1—G/32]

SUBJECT.....

.....

.....

Leg's
Section ~~29-16~~
File No. 29-16
Serial No. 1

Diary No. of letter replied to .....

GENERAL AND REVENUE SECRETARIAT

( )

the *191*

No. {Ec. 155-1/Ec. one

Date of issue 13th August 1907

To

The F. A. Resident in Mysore, Bangalore

Signed by by order &c.

Sir

I am directed to forward herewith a copy of the Bill further to amend the Mysore ~~Legislative~~ Excise Regulation 1901, which will be placed before the Leg's. Council in due course. The Statement of Objects and reasons accompanying the Bill explain

over.

the (~~Secret and~~) scope of the measure.

I have &c.

GR
11/10

For Secretary to Govt.

G. S.

RRC
4/8/16

List of enclosures.

Copied by

Examined

7 D86—GPB—60,000—15-11-16

29 AUG 1917

No. 6681 DIARY No. 9495

1917-1918
SECTION Legis
FILE No. 29-16

FROM

MAJOR E. H. S. JAMES,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

GEN. & REV. SECRETARIAT
III
JUDICIAL
30 AUG 1917

To

The SECRETARY to the GOVERNMENT of
HIS HIGHNESS the MAHARAJA of Mysore,
GENERAL Department.

Dated Bangalore, 29th August 1917

SIR,

With reference to your letter No. Pol. 155, dated the 13 August 1917, forwarding a draft bill further to amend the Myso Excise Regulation, I am directed to say that there appears to b no prima facie objection to the Bill being laid before the Legi lative Council.

2. I am to add that before the Bill is passed into Law, the consent of the Government of India will be necessary.

I have the honour to be,
Sir,
Your most obedient Servant,

H S James

First Assistant Resident.

R. O. 2.—R. P. B.—7-1917.—1,000

6 copies

G. R. S. VI—8-III/3]

DRAFT.

SUBJECT .....

.....

.....

Section. Legis
File No. 29 of 16
Serial No.

Diary No. of letter replied to .....

No. 4-7-C

OFFICIAL MEMORANDUM.

GENERAL AND REVENUE SECRETARIAT,
( )
the 191

To

VV

Member, Mysore Legislative Council.

Date of issue 1-7-19

Signed by M. P. Naicya

A meeting of the select Committee to consider the bill further to amend the Mysore Excise Regulation, 1901

.....

will be held in the Chamber of the ~~Temporary~~ Third Member of Council, Public Offices Buildings, Bangalore at 8:30 A.m. on Monday the 14th July 1919.

~~1) Kankanary Gowda~~
1) K. Chandy Esq. BA
2) B. Narasingarao Esq
3) B. K. Garuda Char
4) Rao Saheb H. Thimmaiya

M'
14/7

By Order,

Secretary, Mysore Legislative Council.

Copy to (1) personal Asst to the ~~Secretary~~ Third of Council
(2) Cash Section for information

RM 5/7

G. R. S. VI.—S-III/11]

DRAFT.

SUBJECT.....

.....

.....

Section. Legs.
File No. 29-16
Serial No. 42-44 L.C

Diary No. of letter replied to.....

No.

To

(1)

.....

Member, Mysore Legislative Council.

GENERAL AND REVENUE SECRETARIAT,

( )

the.....*191*.

SIR,

Date of issue 2-8-16

Signed by Mr P. Mayya

I am directed to forward herewith a copy of the draft report of the Select Committee on the Bill..... further to amend the Mysore Excise Regulation, 1901.....

.....

~~with a copy of the Bill as amended by~~ the ~~Committee~~ and to request you to kindly return the same with your approval or other remarks, if any.

I have, etc.,

P. M. 1/8.

Secretary, Mysore Legislative Council.

(1) K. Chandy Esqr B.A
Khan Bahadur Rao Saheb H. Channaya Esq
B. K. Garudachar Esq

Typed

RRR
31/7

Repat of the Select Comtee on the Bill further to amend the Mysore Excise Regulation, 1901

We the members of the Select Committee appointed to consider the above Bill, have the honor to repat that the Bill was carefully considered by us and that it requires no changes, with the exception of a few alterations ~~which are~~ noted below:-

We consider that the amendment suggested in clause 1 (1) is unnecessary and maybe omitted as no such provision exists in the Madras Abkari Act on which most of the amendments proposed are based.

Instead of the amendment to the first paragraph of Sec 56 suggested in clause 15 of the Bill we propose to adopt the wording of the corresponding section of the Madras Act by substituting for the words 'a person in the employ of such holder' the words 'being in the employ of such holder and acting on his behalf'

We recommend that the Bill be passed with the alterations ~~mentioned~~ suggested above and that it need not be published in the Gazette

GMA

Pete

Report of the Select Committee on the Bill further to amend the Mysore Excise Regulation, 1901.

***

We the members of the Select Committee appointed to consider the above Bill, have the honour to report that the Bill was carefully considered by us and that it requires no change with the exception of the few alterations noted below:-

We consider that the amendment suggested in clause 1 (1) is unnecessary and may be omitted, as no such provision exists in the Madras Abkari Act on which most of the amendments proposed are based.

Instead of the amendment to the first paragraph of Section 56 suggested in clause 1 of the Bill, we propose to adopt the wording of the corresponding section of the Madras Act by substituting for the words " a person in the employ of such holder " the words " being in the employ of such holder and acting on his behalf".

We recommend that the Bill be passed with the alterations suggested above and that it need not be published in the Gazette.

R.O. 9/8/19

8-8-19

ACH.4.

-Report of the Select Committee on the Bill further to amend the Mysore Excise Regulation, 1901.

***

We the members of the Select Committee appointed to consider the above Bill, have the honour to report that the Bill was carefully considered by us and that it requires no - change with the exception of the few alterations noted below:-

We consider that the amendment suggested in clause 1 (1) is unnecessary and may be omitted, as no such provision exists in the Madras Abkari Act on which most of the amendments proposed are based.

Instead of the amendment to the first paragraph of Section 56 suggested in clause 15 of the Bill, we propose to adopt the wording of the corresponding section of the Madras Act by substituting for the words " a person in the employ of such holder " the words " being in the employ of such holder and acting on his behalf".

We recommend that the Bill be passed with the alterations suggested above and that it need not be published in the Gazette.

D. M

Affirmed
M. S. [illegible]

2/4/19

D. 41. 4/8

ACH.@.

R. C. 13.

OFFICE OF THE REVENUE COMMISSIONER IN MYSORE,

Bangalore, 5th August 191 9.

No. D2 dis 357 6/8 2641.
~~C-569/19~~
one

From

K. Chandy, Esquire, B.A.,

Revenue Commissioner in Mysore.
and Member Legislative Council.

To

P. Mahadevayya, Esq., B.A., B.L.,
Secretary, Mysore Legislative Council,
Bangalore.

SIR,

With reference to your letter No.42/LC. dated the 2nd instant forwarding for approval or remarks a copy of the draft report of the Select Committee on the Bill to amend the Mysore Excise Regulation, 1901, I have the honor to state that I agree to the amendments recommended by the Committee.

2. The draft report received with your letter is returned herewith.

I have the honor to be,
Sir,
Your most obedient servant,

For Revenue Commissioner
and Member, Legislative Council.

R.T.R.
SK

Report of the Select Committee on the Bill further to amend the Mysore Excise Regulation, 1901.

***

We the members of the Select Committee appointed to consider the above Bill, have the honour to report that the Bill was carefully considered by us and that it requires no change with the exception of the few alterations noted below:-

We consider that the amendment suggested in clause 1 (1) is unnecessary and may be omitted, as no such provision exists in the Madras Abkari Act on which most of the amendments proposed are based.

Instead of the amendment to the first paragraph of Section 56 suggested in clause 15 of the Bill, we propose to adopt the wording of the corresponding section of the Madras Act by substituting for the words " a person in the employ of such holder " the words " being in the employ of such holder and acting on his behalf".

We recommend that the Bill be passed with the alterations suggested above and that it need not be published in the Gazette.

ACH.@.

G. R. S. VI.—s-III/9]

DRAFT.

SUBJECT.....

.....

.....

Section. Legs
File No.
Serial No.

Diary No. of letter replied to..... No. 64 / L.C

GENERAL AND REVENUE SECRETARIAT,
( )
the.....*191*

Date of issue 20-8-09

Signed by Jns P. M.

NOTIFICATION.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill for to amend the Mysore Excise Regn., 1901 is published for general information ~~with the Bill as amended by them~~.

By Order,

P. M.
15/8

Secretary, Mysore Legislative Council.

[Here print the accompanying Report]

To

The Compiler, *Mysore Gazette* for publication in Part III of the Gazette in English and Kannada and for supplying 100 spare copies in English and 20 copies in Kannada to this office. Proof should be sent to this office for approval before publication.

Apr 14/8

Report of the Select Committee on the Bill further to amend the Mysore Excise Regulation, 1901.

***

We the members of the Select Committee appointed to consider the above Bill, have the honour to report that the Bill was carefully considered by us and that it requires no change with the exception of the few alterations noted below:-

We consider that the amendment suggested in clause 1 (1) is unnecessary and may be omitted, as no such provision exists in the Madras Abkari Act on which most of the amendments proposed are based.

Instead of the amendment to the first paragraph of Section 56 suggested in clause 18 of the Bill, we propose to adopt the wording of the corresponding section of the Madras Act by substituting for the words " a person in the employ of such holder " the words " being in the employ of such holder and acting on his behalf".

We recommend that the Bill be passed with the alterations suggested above and that it need not be published in the Gazette.

Mir Humza Hussain
H Chandy Esq
H Channaiya
B. N. Govindachar

---

* Mr. B. Narasinga Rao was absent.

NOTIFICATION.

No. 64—L. C., dated 20th August 1919.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill further to amend the Mysore Excise Regulation, 1901, is published for general information.

By Order,
P. MAHADEVAYYA,
Secretary, Mysore Legislative Council

Report of the Select Committee on the B further to amend the Mysore Excise Regulation, 1901

We, the members * of the Select Cominittee appointed to consider the above Bill, have the honour to report that the Bill was carefully considered by us and that it requires no change, with the exception of the few alterations noted below :—

We consider that the amendment suggested in clause 1 (1) is unnecessary and may be omitted, as no such provision exists in the Madras Abkari Act on which most of the amendments proposed are based.

Instead of the amendment to the first paragraph of section 56 suggested in clause 15 of the Bill, we propose to adopt the wording of the corresponding section of the Madras Act by substituting for the words "a person in the employ of such holder" the words "being in the employ of such holder and acting on his behalf"

We recommend that the bill be passed with the alterations suggested above and that it need not be published in the Gazette.

MIR HUMZA HUSSAIN.
K. CHANDU.
H. CHENNAIYA.
B. K. GARUDACHAR

* Mr B. Narasinga Rao was absent.

G. R. S. VII.—S-III/9]

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE SECRETARIAT,

Dated, Bangalore. 20th August 1919.

No. 84 L. C

NOTIFICATION.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill further to amend the Mysore Excise Regulation, 1904

.....

is published for general information ~~with the Bill as~~

~~xxxxxxxxxxxxxxxxxxxxxxxxxxxx~~

By Order,

M Mahadevaiya

Secretary, Mysore Legislative Council.

(Here print the accompanying report).

The Compiler, *Mysore Gazette* for publication in Part III of the Gazette in English and Kannada and for supplying.....100.....spare copies in English and.....20.....copies in Kannada to this office. Proof should be sent to this office for approval before publication.

Copy to the translation section.

ACH. 2.

V(1) 02239—GPB—500—3-7-17

Please send Kan Copy
of the Bill
Kan copy is not available

Report of the Select Comiittee on the Bill further to amend the Mysore Excise - Regulation, 1901

***

We the members of the Select Committee appointed to consider the above bill, have the honour to report that the Bill, was carefully considered by us and that it requires no change with the exception of the few - alterations, noted below:-

We consider that the amendment suggested in clause 1 (1) is unnecessary and may be omitted, as no such provision exists in the Madras Abkari Act on which most of the amendments proposed are based.

Instead of the amendment to the first paragraph of section 56 suggested in clause 15 of the Bill, we propose to adopt the wording of the corresponding section of the Madras Act by substituting for the words " a person in the employ of such holder" the words "being in the employ of such - holder and acting on his behalf".

We recommend that the bill be passed with the alterations suggested above and that it need not be published in the - Gazette.

Mr. Hussaiya Hussain
M. Kamandy
H. Chennaiya
B. D. Gowdacha

---

*: Mr. B. Narasinga Rao was absent.

B. NARASINGA RAO,
FIRST GRADE PLEADER,
AND
MEMBER, MYSORE LEGISLATIVE COUNCIL.

SERINGAPATAM

6th Sept, 1919.

4543 A

To

P. Mahadevaiya Esq., B.a., B.L.,

Secretary,

The Mysore Legislative Council

Bangalore

Sir,

The Report of the Select Committee on the Bill further to ammend the Mysore Excise Regulation, 1911, is published in the Gazette dated 28th Aug., 1919, Owing to a regrettable mistake I was not able to be present at the meeting of the Select Committee

I have the honour to propose the following ammendments to the said Bill:—

I have the honour to be,
Sir,
Your most obedient Servant
B Narasingha Rao

P. T. O.

The proposed ammendments are :—

(1) In clause 1 of the Bill (Section 3) Sub-Sec (1) retain the words "but does not include a fine imposed by a court of law" as originally proposed.

(2) In clause 5 (in Section 14) Sub-clause (2) for the word "shall" between the words "district" and "be" the word "may" may be substituted

(3) In clause 8 (~~Sec 26 Cl (c)~~ between

(a) in sec. 26 ~~after~~ the words "the Deputy Commissioner" and the word "may" the words "or the Excise Commissioner if the license is granted by him may be inserted

(b) in sec. 26 cl. (c) for the words "or under secs. 477 and 489 of the Indian Penal Code 1860" the following may be substituted — "or under Sections 482 to 489 of the Indian Penal Code".

65

(4) In clause 17 (sec. 55) by retaining the words "in respect of which the words or by means of which" may be added.

(5) In clause 18 (Sec. 66) for the word "likely" in the proviso the word "liable" may be substituted.

(6) In clause 19 (Sec 67) for the words "Sec. 55 or

B. NARASINGA RAO,
FIRST GRADE PLEADER,
AND
MEMBER, MYSORE LEGISLATIVE COUNCIL.

SERINGAPATAM

.....191 .

Not necessary

Sec 56 or Sec. 57 or Sec 58" the following may be substituted – "Secs 55, 56, 57, 58 or 63".

(7) In clause 20 for the new section 68-A for the words "any local authority empowered by the Govt in this behalf may" the following may be substituted "the Government may empower any local author to."

Clause 1-6 (7) deleted

B. NARASINGA RAO,
FIRST GRADE PLEADER,
AND
~~MEMBER, MYSORE LEGISLATIVE COUNCIL.~~

539

SERINGAPATAM
18th Octr 1919.

To
Enumerate
RD 20/10
D 11

P. Mahadevaraya Esq. B.A. B.L.
Secretary,
The Mysore Legislative Council
Bangalore.

Sir,

Some time ago, I sent you some amendments to the bill to amend the Excise Regulation.

As the meeting of the Legislative Council is said to be held on 29th instant, I presume the report of the Select Committee on the said bill may come up for consideration.

As I am ceased to be a member of the Council, I regret I cannot move those amendments. If any additional member of the Council moves those amendments, I shall be glad. Otherwise, I request that the Hon'ble member in charge of the

all may accept subject to the amendments
concerned themselves therein, viewing the letter as
communication sent to a non-member. I have briefly
indicated below my reasons in support of my suggestion

(1) In clause 3 sub-cl: (1) as the definition now the
a fine imposed under the provisions of the Excise Duty
will be called as "Excise revenue Duty Act 1957"
(1) is 3735-47 dated 24.8.1893 directly affect
R 409
fines imposed by the magistrates under the Excise
Opinion is shared be inserted to "Law of
This A.G.O cannot be considered as being
consistent with the definition of "Excise Revenue
it stands. It is therefore necessary to validate
said A.G.O by incorporating in the definition
of "Excise revenue" the words as originally propose
& as adhered to by the Select Committee & the
learned members of the Select Committee
object that no such provision exists in the law
Act does not justify its exclusion from the prese
bill as the Conditions in this case will & not be
analogous to those in the Madras

(2) The words "shall be granted by the Excise
Commissioner" are likely to be misinterpreted

(1) seems to be drawback

B. NARASINGA RAO,
FIRST GRADE PLEADER,
~~AND MEMBER, MYSORE LEGISLATIVE COUNCIL.~~

SERINGAPATAM

as making it obligatory on the Excise Commissioner to grant licenses for more than one district, irrespective of other considerations such as the character & previous antecedents of the applicant. It seems very necessary to leave the granting of license for more than one District to the option of the Excise Commissioner.

H.C. Sect: 15 of the Madras Abkari Act prefers "may" to "shall". Or the proviso may be worded as follows:- "If a license is applied for more than one District, the licensing authority will be the Excise Commissioner."

(2) (a) As a ~~corr~~ corollary to the amendment proposed by me in 2 *supra* the addition of the proposed words seems necessary as the license granted by a higher authority cannot be cancelled or suspended by a subordinate officer.

(b) As the bill now stands the offence contemplated is only one viz: that under Sec. 464 of the I.P.C. The analogous offences under Ss. 462 & 463 also require the circumstances to be included & were perhaps also intended ~~but~~ for the presence of the word "and".

Insert vide S. 15 (1) (a) of the Madras Abkari Act & the Excise Commissioner's powers

S. 478 & 481 ... all definitions as proposed by ...
Sections 478 & 4899 P.C might be taken, as ...
the Madras Act or only those from 482 to 489,
excluding the definitions.

(4) After looking ... the bill appears to me that the ...
amendment proposed is unnecessary & the ...
may be dropped

(5) This amendment deals with an apparent ...
seems to have escaped notice ... clause (8) of the state ...
uses the right word "liable" & ...
over ... the incongruity of the word "likely" needs no ...
opposition.

(6) This requires no detailed explanation. The form ...
which I have adopted in the amendment avoids ...
unnecessary repetition of the same word & sounds be ...
(See Madras Act S. 67)

(7) The meaning of the clause as on the bill is clear ...
enough. But the power & delegate authority ...
local bodies has to be specifically taken by the ...
Govt. As this was not been done anywhere in the ...
Regulation the form of my amendment meets ...
the situation by first giving power & then goes ...
into details

G.R.S. III—3]

Routine Notes.

[This is not intended for permanent record.]

3

B. NARASINGA RAO,
FIRST GRADE PLEADER,
~~AND~~
~~MEMBER, MYSORE LEGISLATIVE COUNCIL.~~

SERINGAPATAM

..... 191 .

to delegate authority to Local bodies & then defining the scope of their powers.

(For analogy vide Sec: 5 A. Excise Regulation
" 17. Magrai Regulation

I have the honor to be
Sir
your most obedient servant.

Bharamyya

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Office of the Secretary
Legislative Council
Section
File No.
Serial No.

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT
( )
the *191*

D - 0

No. 136
L.C

Date of issue.....9-10-19

To

Signed by.....P. Mahadeva

Dear Mr. Naraniya Rao

With reference to your marginally noted letters, I am desired to thank you for the useful suggestions made therein & to state that they will be duly considered

Yours sincerely
(Sd) P. Mahadeva

* Letter 26-9-19 & 18-10-19, proposing certain amendments in connection with the Bill further to amend the Excise Regn; 1901

20

B. Naraniya Rao Esq
Secunderabad

NOTIFICATION.

No. 409—L. C., dated 27th February 1918.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Excise Regulation, 1901, is published for general information with the statement of objects and reasons.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Bill further to amend the Mysore Excise Regulation, 1901.

Whereas it is expedient further to amend the Mysore Excise Regulation, 1901, His Highness the Maharaja is pleased to enact as follows:—

Amendment of section 3 of the Regulation.

1. In section 3 the following amendments shall be made,—

(1) At the end of sub-section (1) of the section after the word "drugs" the words "but does not include a fine imposed by a court of law" shall be inserted.

(2) At the end of sub-section (8) after the word "distillation" the words "whether it is denatured or not" shall be inserted.

(3) After sub-section (8) the following new sub-section shall be inserted "(8 A) 'Denatured' means subjected to a process prescribed by the Government by notification in the official Gazette for the purpose of rendering unfit for human consumption."

(4) In sub-section (11) the word "or" occurring between the words "Batavia" and "Ceylon" shall be omitted and the words "or any other country which may be specified in the rules framed by Government from time to time in this behalf" shall be added at the end thereof.

(5) In sub-section (13) the words "or the coca plant (*Erythroxylum coca*)" shall be inserted after the words "the hemp plant (*Cannabis sativa or Indica*)".

(6) After sub-section (17) the following sub-section shall be iserted,—

"(17 A.) 'Cultivation' includes the tending or protecting of a plant during growth and does not necessarily imply raising it from seed."

(7) After sub-section (18) the following sub-section shall be inserted,—

"(18 A.) 'bottle' means to transfer liquor from a cask or other vessel to a bottle, jar or flask or similar receptacle for the purpose of sale whether any process of manufacture be employed or not and includes rebottling."

(8) After sub-section (20) the following sub-section shall be added,—

"(21) 'Police Station' includes any place which the Government may, by notification declare to be a Police station for the purposes of this Regulation."

Amendment of section 12.

2. In section 12 the following amendments shall be made:—

(1) In the first paragraph after the words "hemp plant (*cannabis sativa* or *Indica*)" the words "or coca plant (*Erythroxylum coca*)" shall be inserted.

(2) Between the ~~second~~ third and the ~~third~~ fourth paragraphs the following paragraph shall be inserted,—

"no portion of the hemp or coca plant from which any intoxicating drug can be manufactured shall be collected."

(3) The word "and" occurring ~~at the end of the fourth paragraph~~ after the words "no distilleries or breweries shall be constructed or worked" shall be omitted and the following new paragraph substituted after the same.—

"No liquor shall be bottled for sale; and"

Amendment of section 13.

3. In section 13 the following amendments shall be made:—

(1) In the first paragraph of the section for the words "for the whole of Mysore or for any local area" the words "or specially with regard to persons places or time," shall be substituted.

(2) In proviso (2) to the section after the words "foreign liquor" the words "other than denatured spirit", shall be inserted and for the words "purchased by" the word "of" shall be substituted.

Addition of section 13 A.

4. After section 13 the following new section shall be inserted.

Prohibition of possession of any liquor or intoxicating drug.

"13 A. Government may by notification prohibit the possession by any person or class of persons either throughout the whole of Mysore or in any local area, of any liquor or intoxicating drug either absolutely or subject to such conditions as they may prescribe."

Amendment of section 15.

5. In section 15 the following amendments shall be made.

(1) After the words "intoxicating drugs" at the end of the first proviso the words "or to any officer whom the Excise Commissioner may generally or specially authorise" shall be inserted.

(2) For the second proviso the following shall be substituted.—

"Provided also that a license for sale in more than one district shall be granted by the Excise Commissioner."

(3) In the third proviso to the section the words "by notification" shall be substituted for the words "in like manner" and the words "under such conditions as the Excise Commissioner may prescribe," for the words "in pots or other receptacles freshly coated internally with lime, for the purpose of the manufacture of jaggory."

(4) At the end of the section the following new clause shall be inserted—

"nothing in this section applies to the sale of any foreign liquor legally procured by any person for his private use and sold by him or by auction on his behalf or on behalf of his representatives in interest upon his quitting a station or after his decease."

Amendment of section 17.

6. In section 17 the following amendments shall be made—

(1) After paragraph (*e*) of the section the following new paragraph shall be inserted—

"(ee) Issued from a distillery or warehouse licensed or established under section 12 or section 14, or"

(2) The proviso to the section shall be omitted.

Amendment of section 18.

7. In section 18 the following amendments shall be made:—

(1) In clause (*a*) of the section for the words "the distillery or brewery" the words "a distillery, brewery or warehouse licensed or established under section 12 or section 14" shall be substituted.

(2) At the end of clause (*b*) of the section the words "or issued from a warehouse licensed or established under section 14" shall be added.

(3) In clause (*f*) the words "import, export or" shall be inserted before the word "transport."

(4) At the end of the section the following proviso shall be inserted:

"Provided that when there is a difference of duty, as between two license periods such difference may be collected in respect of all stocks of country liquor or intoxicating drugs held by licensees at the close of the former period."

Amendment of section 26.

8. In clause (*c*) of section 26 of the Regulation after the words "non-bailable offence" the words "or of any offence under the Merchandise Marks Regulation, 1892, or under sections 478 and 489 of the Indian Penal Code, 1860" shall be inserted.

Substitution of a new section for section 27.

9. For section 27 of the Regulation the following shall be substituted:—

27. Every person who manufactures or sells any liquor or intoxicating drugs under a license granted under this Regulation shall be bound—

(*a*) to supply himself with such measures, weights and instruments as Government may prescribe and to keep the same in good condition; and

(*b*) on the requisition of any Excise Officer duly empowered in that behalf at any time to measure or weigh any liquor or intoxicating drug or test any liquor in his possession in such manner as the said Excise Officer may require."

Substitution of a new section for section 29.

10. For section 29 of the Regulation the following new section shall be substituted:—

Power to frame rules.

"29 (1) Government may make rules for the purpose of carrying out the provisions of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing provision Government may make rules,—

(*a*) regulating the mode in which toddy may be supplied to licensed vendors of the same or to persons who distill spirits from it, or who use it in the manufacture of bread or jaggory;

(*b*) for determining the number of licenses of each description to be granted in any district or place;

(*c*) for regulating the number, size and description of stills, utensils, implements and apparatus to be used in any distillery;

(*d*) prescribing the instruments to be used in the testing of liquor and the tables of corrections according to temperature to be used therewith;

(*e*) prescribing the measures to be used for the sale of country liquor and the scales and weights to be used for the sale of intoxicating drugs;

(*f*) fixing for any local area the minimum price below which any country liquor shall not be sold or the retail price of any such liquor and the wholesale and retail prices of intoxicating drugs;

(*g*) defining when liquor or drugs or any kind of liquor or drugs shall be deemed to be sold retail or wholesale;

(*h*) for the warehousing of liquor and intoxicating drugs and for the removal of the same from any warehouse in which they are deposited for deposit in any other warehouse or for local consumption or for export;

(*i*) for the inspection and supervision of stills, distilleries, private warehouses and breweries;

(*j*) for the management of any public distillery or public warehouse established under section 14;

(*k*) for regulating the cultivation of hemp and coca plants, checking their spontaneous growth, the collection of those portions of such plants from which intoxicating drugs can be manufactured and manufacture of such drugs therefrom and providing, where necessary, for the extirpation from private holdings or Government lands, of such plants;

(*l*) for placing the preparation of intoxicating drugs and the storage, import, export, possession or transport of liquor or intoxicating drugs under such supervision and control as may be deemed necessary for the purposes of this Regulation;

(*m*) prohibiting the use of any article which the Government shall deem to be noxious or otherwise objectionable in the manufacture of liquor or of any intoxicating drug;

(*n*) for the grant of batta to witnesses and of compensation for loss of time to persons released by any Excise Officer under section 40 (3) of this Regulation on the ground that they have been improperly arrested and to persons charged before a magistrate with offences under this Regulation and acquitted;

(*o*) declaring the process by which spirit manufactured in or imported into the State shall be denatured;

(*p*) for causing such spirit to be denatured through the agency or under the supervision of the Excise Officers;

(*q*) for ascertaining whether such spirit has been denatured;

(*r*) regulating the power of Excise Officers to summon witnesses from a distance under section 44;

(*s*) regulating the bottling of liquor for purposes of sale;

(*t*) for the disposal of articles confiscated and of the proceeds thereof;

(*u*) declaring in what cases or classes of cases and to what authorities appeals shall lie from orders, whether original or appellate, passed under this Regulation or under any rule made thereunder, or by what authorities such orders may be revised and prescribing the time and manner of presenting appeals, and the procedure for dealing therewith.

Amendment of section 31.

11. In section 31 of the Regulation for the words "any Excise or Police Officer not below the rank of Inspector or a Police Station Officer" the words "any Police Officer not below the rank of an officer in charge of a police station or any Excise Officer of a rank not below that to be specified from time to time by Government by a notification in the official Gazette" shall be substituted.

Amendment of section 48.

12. At the end of section 48 insert the following sentence :—

The officer may also, if he considers it necessary for the investigation of the case, exercise the powers conferred by sections 44 to 47 before summoning the person suspected."

Amendment of section 55.

13. In section 55 of the Regulation the following amendments shall be made—

(1) At the end of clause (*c*) of the section the following shall be added,—

" or the coca plant (*Erythroxylum coca*) or collects any portion of such plants from which an intoxicating drug can be manufactured; or"

(2) The following new clause shall be inserted after clause (*g*),—

"(*gg*) bottles any liquor for purposes of sale; or"

Addition of a new section after section 55.

14. After section 55 the following new section shall be inserted :—

For rendering or attempting to render denatured spirit fit for human consumption.

"55 A. Whoever renders or attempts to render fit for human consumption any spirit whether manufactured in Mysore State or not, which has been denatured, or has in his possession any spirit in respect of which he knows or has reason to believe that any such attempt has been made, shall on conviction before a Magistrate be liable to imprisonment for a term which may extend to three months or to fine which may extend to one thousand rupees or both. For the purpose of this section it shall be presumed unless and until the contrary is proved that any spirit which is proved on chemical analysis to contain any quantity of any of the prescribed denaturants is or contains or has been derived from denatured spirit.

Amendment of section 56.

15. At the end of the first paragraph of section 56 the words "and acting on his behalf" shall be inserted and in clause (*b*) of the section for the words "does any act" the words "wilfully does or omits to do anything" shall be substituted.

Omission of section 62.

16. Section 62 of the Regulation shall be omitted.

Amendment of section 65.

17. In section 65 the words "or by means of" shall be inserted after the words "in respect of."

Amendment of section 66.

18. At the end of section 66 the following proviso shall be added :—

"Provided further that if the thing in question is likely to speedy and natural decay or if the Excise Commissioner or any other officer authorised by Government in that behalf is of opinion that the sale would be for the benefit of its owner he may at any time direct it to be sold, and the provisions of this section shall, as nearly as may be practicable apply to the net proceeds of such sale."

19. In section 67 of the Regulation for the words "section 56" the words "~~section 55 or section 56 or section 57 or section 58~~" shall be substituted.

Amendment of section 67.

20. After section 68 the following new section shall be added as section 68 A.

Addition of a new section after section 68.

"68 A—Any Local Authority empowered by Government in this behalf may appoint Excise Advisory Committees in accordance with rules prescribed by Government for the purpose. The rights and duties of such Excise Advisory Committees under this Regulation shall be such as may be provided for by rules made in this behalf by Government from time to time and published in the official Gazette."

Excise Advisory Committees.

21. For section 71 of the Regulation the following new section shall be substituted:—

Substitution of a new section for section 71.

"71. Government may by notification either wholly or partially, subject to such conditions as it may think fit to prescribe, exempt any liquor or intoxicating drug from all or any of the provisions of this Regulation, either throughout the State or in any specified area or for any specified period or occasion or as regards any specified class or persons."

Exception of medicated articles.

STATEMENT OF OBJECTS AND REASONS.

The Excise Committee of 1905-06 in dealing with the question of the revision of the Excise laws and rules in force in the various provinces of British India recommended that provisions for the control of denatured spirit should be inserted in the local Excise Regulations, and suggested that, when the amendment of the Regulations for this purpose were in hand, the opportunity should be taken to carry out any further amendments which might be deemed advisable. The present Bill has been prepared accordingly. Besides the provisions for the control of denatured spirit, amendments have been included in the Bill so as to bring under control the process of bottling liquors for sale which the existing Regulation does not cover and to make the provisions of the Regulation specifically applicable to the products of the coca plant. Various other matters to which attention has been drawn either by the Excise Committee's report or by practical experience of the working of the Mysore Excise Regulation, IV of 1901, have been also provided for in the Bill.

Notes on clauses.

Clause 1—Sub-clause (5)—To obviate difficulties in the control of the cultivation of the hemp and coca plants it is proposed to insert a definition of the term "cultivation."

Clause 1—Sub-clause (8)—The Excise Regulation lays on officers in charge of Police stations the duty of taking charge of and keeping in safe custody all contraband articles seized in excise cases which may be delivered to them. Now that under the new Police scheme, only some Police stations have been retained as such and others have been converted into outposts, considerable difficulty is experienced by subordinate officers of the Excise Department, as contraband articles seized by them cannot be deposited in outposts but have to be conveyed to Police stations which in many cases are at a considerable distance. As police outposts cannot under section 4 (1) (s) of the Code of Criminal Procedure, 1904, be declared to be Police Stations for the purpose of the Excise Regulation, it is proposed to insert the definition suggested in this clause.

Clause 2.—It is proposed to insert words to provide for regulating the cultivation of the coca plant and exercising control over the collection of only those portions of the hemp or coca plant from which intoxicating drugs can be manufactured.

Clause 3 (1) and (2)—It is proposed here to make provision enabling the Government to prescribe the quantity of liquor or intoxicating drugs that may be possessed by persons or particular classes of persons and to prohibit persons or classes of persons either absolutely or subject to certain conditions from possessing any liquor or intoxicating drug.

Clause 5.—(1) As there is no privision in the present Regulation enabling Government to purchase ganja from licensed cultivators, the words "or to any officer whom the Excise Commissioner may generally or specially authorise" are proposed to be added to section 15.

(2) The second proviso to section 15 of the present Regulation is covered by the new section 71 which clause 21 proposes to substitute for the existing section 71. It is therefore proposed to strike out the proviso referred to.

(3) The third proviso to section 15 of the present Regulation is proposed to be modified so as to admit of sweet juice drawn for use as a beverage being exempted from the operations of the Regulation.

Clause 6.—(1) It is proposed to insert a new clause in section 17 of the present Regulation to legalise the collection of duty on issues of exciseable articles from a distillery or warehouse.

(2) It is proposed to omit the existing proviso to the section as exemptions are sufficiently provided for by the new section 71 which is proposed to be substituted for the existing section 71 by clause 21.

Clause 8.—It is proposed to enable license to be cancelled when the licensee is shown to have been convicted of offences punishable under certain additional Regulations. This proposal is in accordance with the recommendations of the Excise Committee.

Clause 9.—In this clause it is proposed to recast section 27 of the present regulation so as to make it applicable to manufacturers or sellers of all kinds of liquor or intoxicating drugs, as it is considered advisable to take power to require such dealers to keep proper weights and scales.

Clause 10.—It is proposed to amplify section 29 of the present Regulation in certain respects.

Clause 12.—Provision is made to enable an Excise Inspector to summon witnesses and hold an enquiry before proceeding to summon a person suspected of having committed an offence under the Regulation.

Clause 14.—In this clause provision is made for the infliction of a sufficient penalty in cases of attempts to render fit for human consumption denatured spirit and of knowingly being in possession of denatured spirit in respect of which such an attempt has been made.

Clause 15.—It is proposed to amplify the section so as to cover cases of omissions on the part of licensees and of misconduct by the employee of a licensee acting on his behalf.

Clause 16.—The offences mentioned in section 62 of the present Regulation are such as can well be dealt with departmentally, and it is accordingly proposed to omit the section from the Regulation.

Clause 18.—In this clause provision is made for the sale of confiscated articles when they are liable to speedy and natural decay or when such sale is likely to benefit the owner. This provision is borrowed from the Excise Committee's draft Bill and is likely to be useful in practice.

Clause 19.—With the view of reducing the number of prosecutions under the Excise Regulation, it is proposed to make section 67 of the present Regulation which deals with the compounding of offences, more elastic by the inclusion of offences under sections 55, 57 and 58 of the said Regulation among those which may be compounded.

Clause 21.—In the new section 71 proposed in this clause, power is taken to exempt any liquor or drug in any local area from the operation of all or any of the provisions of the Regulation either generally or as regards any specified class. The exemption of medicated articles will thus be brought within the scope of the new section, rendering the present section 71 unnecessary.

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT
( )
the 191

Section Legis
File No. 2516
Serial No.

No. Rd 800 Encl forwd

Date of issue 23d January 1920 To

Signed by Mr. C. S. B. Iyer

The J. A Resident

Sir,

I am directed to forward
herewith two copies of the
Bill further to amend the
Mysore Excise Regn., 1901
and of the select committee's
report thereon, both of which
and the changes made in the latter adopted
were considered by the
Legislature assembled at
its meeting held on the

over.

Together with two copies of the Bill as it stands after consideration

of X. Oct- 1919, and
request that the
return of Govt of
India may kindly
be obtained for as revised
passing the Bill into
law.

I have etc

chief Secy to Govt

2. Some slight verbal alterations have been made in paras (2) & (3) of clause 2.

3. Two copies of the Bill as it stands after consideration by the Legislative Council are also enclosed.

Hd

List of enclosures.

Copied by

Examined by

WD 1744—GPB—80,000—19-3-19

The follg amendmts are to be subd for consideration accordg to the instructions of the Hon Members:—

In addition to the alterations recommended by the Sel: Committee I beg to move that the following verbal alterations may also be made in the Bill:—

Note:—
Amendments 2 & 6 jointly verbal changes may be proposed under R. 47, and do not require previous notice.

D. T. C.

verbal alterations suggested by the Third Member

Amendment of clause 2 Sub clause (2)

In sub clause (2) of clause 2 of the Bill the following words shall be substituted for the words between the second and third paragraph":

"Between the third and the fourth paragraph after the words "no toddy shall be drawn from any tree"

Amendment of Sub clause (3) of clause (2)

In sub clause (3) of the same clause for the words "at the end of the fourth paragraph" the following words shall be substituted:-

"after the words "no distillery or brewery shall be constructed or worked

Amendment of clause 5, Sub Clause (1)

In sub clause (1) of Clause 5, after the word "authorise". The words following

words shall be made.

"in this behalf" shall be inserted

Amendment of clause 19.

In clause 19, for 'Section 56' the words the words "Section 55 or section 56, section 57 or section 58 the following words shall be substituted, "under any of the sections "section 56 or section 63" the words under any of the sections thereof; 55, 56, 57, 58 or 63".

DM
28/10

Col 12.16

17165

R. O. 2.—R. P. B.—2-1920.—5000.

No. 2333

From

Major C. T. C. PLOWDEN, I. A.,
First Assistant to the Resident in Mysore.

To

The Chief Secretary to the Government of His Highness
the Maharaja of Mysore.

Dated Bangalore, 17th March 1920

Sir,

With reference to your letter No. Pol.800, dated the 23rd January 1920, forwarding a bill further to amend the Mysore Excise Regulation, V of 1901, I am directed to state that the Governor-General in Council is pleased to accord his consent to the bill on the understanding that he retains over it the power and authority which vest in him by virtue of Article 18 of the Treaty dated the 26th November 1913.

I have the honour to be,
Sir,
Your most obedient servant,

First Assistant Resident.

I.S

G. R. S. VI.—S-III/14]

DRAFT.

SUBJECT.....

.....

.....

Section. Legis
File No. 29-16
Serial No. 5

Proceedings of the Government of H. H. the Maharaja of Mysore.

Order No. G.27868 Encl

Ordered that the accompanying Regulation further to amend the Mysore Excise Regulation which received the assent of His Highness the Maharaja, on the twelfth day of June 1920, be published as Regulation No. V of 1920, in the *Mysore Gazette* for general information.

P. M. 18/6

for Chief Secretary to Government.

To

The Compiler, *Mysore Gazette*, for publication in Part III of the Gazette, in English and Kannada and for supply of 200 spare copies in English, and 50 spare copies in Kannada to this office, and 300 spare copies in English and 100 spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs should be sent to this office for approval before publication.

GENERAL AND REVENUE SECRETARIAT,
( )
the.....*191*

Diary No. of letter replied to.....

Date of issue 21/6

Signed by M. Rao

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

SG 17/6/20

Copy to Translation Section

NOTIFICATION.

No. 409—L. C., dated 27th February 1918.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Excise Regulation, 1901, is published for general information with the statement of objects and reasons.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Bill further to amend the Mysore Excise Regulation, 1901.

Whereas it is expedient further to amend the Mysore Excise Regulation, 1901, His Highness the Maharaja is pleased to enact as follows:—

Amendment of section 3 of the Regulation.

1. In section 3 the following amendments shall be made,—

(1) At the end of sub-section (1) of the section after the word "drugs" the words "but does not include a fine imposed by a court of law" shall be inserted.

(2) At the end of sub-section (8) after the word "distillation" the words "whether it is denatured or not" shall be inserted.

(3) After sub-section (8) the following new sub-section shall be inserted "(8 A) 'Denatured' means subjected to a process prescribed by the Government by notification in the official Gazette for the purpose of rendering unfit for human consumption."

(4) In sub-section (11) the word "or" occurring between the words "Batavia" and "Ceylon" shall be omitted and the words "or any other country which may be specified in the rules framed by Government from time to time in this behalf" shall be added at the end thereof.

(5) In sub-section (13) the words "or the coca plant (*Erythroxylum coca*)" shall be inserted after the words "the hemp plant (*Cannabis sativa or Indica*)"

(6) After sub-section (17) the following sub-section shall be iserted,—

"(17 A.) 'Cultivation' includes the tending or protecting of a plant during growth and does not necessarily imply raising it from seed."

(7) After sub-section (18) the following sub-section shall be inserted,—

"(18 A.) 'bottle' means to transfer liquor from a cask or other vessel to a bottle, jar or flask or similar receptacle for the purpose of sale whether any process of manufacture be employed or not and includes rebottling."

(8) After sub-section (20) the following sub-section shall be added,—

"(21) 'Police Station' includes any place which the Government may, by notification declare to be a Police station for the purposes of this Regulation."

Amendment of section 12.

2. In section 12 the following amendments shall be made:—

(1) In the first paragraph after the words "hemp plant (*cannabis sativa* or *Indica*)" the words "or coca plant (*Erythroxylum coca*)" shall be inserted.

(2) Between the second and the third paragraph the following paragraph shall be inserted,—

"no portion of the hemp or coca plant from which any intoxicating drug can be manufactured shall be collected."

(3) The word "and" occurring at the end of the fourth paragraph shall be omitted and the following new paragraph substituted after the same.—

"No liquor shall be bottled for sale; and"

Amendment of section 13.

3. In section 13 the following amendments shall be made:—

(1) In the first paragraph of the section for the words "for the whole of Mysore or for any local area" the words "or specially with regard to persons places or time," shall be substituted.

(2) In proviso (2) to the section after the words "foreign liquor" the words "other than denatured spirit" shall be inserted and for the words "purchased by" the word "of" shall be substituted.

Addition of section 13 A.

4. After section 13 the following new section shall be inserted:

"13 A. Government may by notification prohibit the possession by any person or class of persons either throughout the whole of Mysore or in any local area, of any liquor or intoxicating drug either absolutely or subject to such conditions as they may prescribe."

Prohibition of possession of any liquor or intoxicating drug.

Amendment of section 15.

5. In section 15 the following amendments shall be made:

(1) After the words "intoxicating drugs" at the end of the first proviso the words "or to any officer whom the Excise Commissioner may generally or specially authorise" shall be inserted.

(2) For the second proviso the following shall be substituted.—

"Provided also that a license for sale in more than one district shall be granted by the Excise Commissioner."

(3) In the third proviso to the section the words "by notification" shall be substituted for the words "in like manner" and the words "under such conditions as the Excise Commissioner may prescribe" for the words "in pots or other receptacles freshly coated internally with lime, for the purpose of the manufacture of jaggory."

(4) At the end of the section the following new clause shall be inserted—

"nothing in this section applies to the sale of any foreign liquor legally procured by any person for his private use and sold by him or by auction on his behalf or on behalf of his representatives in interest upon his quitting a station or after his decease."

Amendment of section 17.

6. In section 17 the following amendments shall be made—

(1) After paragraph (*e*) of the section the following new paragraph shall be inserted—

"(ee) Issued from a distillery or warehouse licensed or established under section 12 or section 14, or"

(2) The proviso to the section shall be omitted.

Amendment of section 18.

7. In section 18 the following amendments shall be made:—

(1) In clause (*a*) of the section for the words "the distillery or brewery" the words "a distillery, brewery or warehouse licensed or established under section 12 or section 14" shall be substituted.

(2) At the end of clause (*b*) of the section the words "or issued from a warehouse licensed or established under section 14" shall be added.

(3) In clause (*f*) the words "import, export or" shall be inserted before the word "transport."

(4) At the end of the section the following proviso shall be inserted.

"Provided that when there is a difference of duty, as between two license periods such difference may be collected in respect of all stocks of country liquor or intoxicating drugs held by licensees at the close of the former period."

Amendment of section 26.

8. In clause (*c*) of section 26 of the Regulation after the words "non-bailable offence" the words "or of any offence under the Merchandise Marks Regulation, 1892, or under sections 478 and 489 of the Indian Penal Code, 1860" shall be inserted.

Substitution of a new section for section 27.

9. For section 27 of the Regulation the following shall be substituted:—

"27. Every person who manufactures or sells any liquor or intoxicating drugs under a license granted under this Regulation shall be bound—

(*a*) to supply himself with such measures, weights and instruments as Government may prescribe and to keep the same in good condition; and

(*b*) on the requisition of any Excise Officer duly empowered in that behalf at any time to measure or weigh any liquor or intoxicating drug or test any liquor in his possession in such manner as the said Excise Officer may require."

Substitution of a new section for section 29.

10. For section 29 of the Regulation the following new section shall be substituted:—

Power to frame rules.

"29 (1) Government may make rules for the purpose of carrying out the provisions of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing provision Government may make rules,—

(*a*) regulating the mode in which toddy may be supplied to licensed vendors of the same or to persons who distill spirits from it, or who use it in the manufacture of bread or jaggory;

(*b*) for determining the number of licenses of each description to be granted in any district or place;

(*c*) for regulating the number, size and description of stills, utensils, implements and apparatus to be used in any distillery;

(*d*) prescribing the instruments to be used in the testing of liquor and the tables of corrections according to temperature to be used therewith;

(*e*) prescribing the measures to be used for the sale of country liquor and the scales and weights to be used for the sale of intoxicating drugs;

(*f*) fixing for any local area the minimum price below which any country liquor shall not be sold or the retail price of any such liquor and the wholesale and retail prices of intoxicating drugs;

(*g*) defining when liquor or drugs or any kind of liquor or drugs shall be deemed to be sold retail or wholesale;

(*h*) for the warehousing of liquor and intoxicating drugs and for the removal of the same from any warehouse in which they are deposited for deposit in any other warehouse or for local consumption or for export;

(*i*) for the inspection and supervision of stills, distilleries, private warehouses and breweries;

(*j*) for the management of any public distillery or public warehouse established under section 14;

(*k*) for regulating the cultivation of hemp and coca plants, checking their spontaneous growth, the collection of those portions of such plants from which intoxicating drugs can be manufactured and manufacture of such drugs therefrom and providing, where necessary, for the extirpation from private holdings or Government lands, of such plants;

(*l*) for placing the preparation of intoxicating drugs and the storage, import, export, possession or transport of liquor or intoxicating drugs under such supervision and control as may be deemed necessary for the purposes of this Regulation;

(*m*) prohibiting the use of any article which the Government shall deem to be noxious or otherwise objectionable in the manufacture of liquor or of any intoxicating drug;

(*n*) for the grant of batta to witnesses and of compensation for loss of time to persons released by any Excise Officer under section 40 (3) of this Regulation on the ground that they have been improperly arrested and to persons charged before a magistrate with offences under this Regulation and acquitted;

(*o*) declaring the process by which spirit manufactured in or imported into the State shall be denatured;

(*p*) for causing such spirit to be denatured through the agency or under the supervision of the Excise Officers;

(*q*) for ascertaining whether such spirit has been denatured;

(*r*) regulating the power of Excise Officers to summon witnesses from a distance under section 44;

(*s*) regulating the bottling of liquor for purposes of sale;

(*t*) for the disposal of articles confiscated and of the proceeds thereof:

(*u*) declaring in what cases or classes of cases and to what authorities appeals shall lie from orders, whether original or appellate, passed under this Regulation or under any rule made thereunder, or by what authorities such orders may be revised and prescribing the time and manner of presenting appeals, and the procedure for dealing therewith.

Amendment of section 31.

11. In section 31 of the Regulation for the words "any Excise or Police Officer not below the rank of Inspector or a Police Station Officer" the words "any Police Officer not below the rank of an officer in charge of a police station or any Excise Officer of a rank not below that to be specified from time to time by Government by a notification in the official Gazette" shall be substituted.

Amendment of section 48.

12. At the end of section 48 insert the following sentence:—

"The officer may also, if he considers it necessary for the investigation of the case, exercise the powers conferred by sections 44 to 47 before summoning the person suspected."

Amendment of section 55.

13. In section 55 of the Regulation the following amendments shall be made—

(1) At the end of clause (*c*) of the section the following shall be added,—

"or the coca plant (*Erythroxylum coca*) or collects any portion of such plants from which an intoxicating drug can be manufactured; or"

(2) The following new clause shall be inserted after clause (*g*).—

"(*gg*) bottles any liquor for purposes of sale; or."

Addition of a new section after section 55.

14. After section 55 the following new section shall be inserted:—

For rendering or attempting to render denatured spirit fit for human consumption.

"55 A. Whoever renders or attempts to render it for human consumption any spirit whether manufactured in Mysore State or not, which has been denatured, or has in his possession any spirit in respect of which he knows or has reason to believe that any such attempt has been made, shall on conviction before a Magistrate be liable to imprisonment for a term which may extend to three months or to fine which may extend to one thousand rupees or both. For the purpose of this section it shall be presumed unless and until the contrary is proved that any spirit which is proved on chemical analysis to contain any quantity of any of the prescribed denaturants is or contains or has been derived from denatured spirit."

Amendment of section 56.

15. At the end of the first paragraph of section 56 the words "and acting on his behalf" shall be inserted and in clause (*b*) of the section for the words "does any act" the words "wilfully does or omits to do anything" shall be substituted.

Omission of section 62.

16. Section 62 of the Regulation shall be omitted.

Amendment of section 65.

17. In section 65 the words "or by means of" shall be inserted after the words "in respect of."

Amendment of section 66.

18. At the end of section 66 the following proviso shall be added:—

Provided further that if the thing in question is likely to speedy and natural decay or if the Excise Commissioner or any other officer authorised by Government in that behalf is of opinion that the sale would be for the benefit of its owner, he may at any time direct it to be sold, and the provisions of this section shall, as nearly as may be practicable, apply to the net proceeds of such sale."

19. In section 67 of the Regulation for the words "section 56" the words "section 55 or section 56 or section 57 or section 58" shall be substituted.

Amendment of section 67.

20. After section 68 the following new section shall be added as section 68 A.

Addition of a new section after section 68.

"68 A—Any Local Authority empowered by Government in this behalf may appoint Excise Advisory Committees in accordance with rules prescribed by Government for the purpose. The rights and duties of such Excise Advisory Committees under this Regulation shall be such as may be provided for by rules made in this behalf by Government from time to time and published in the official Gazette."

Excise Advisory Committees.

21. For section 71 of the Regulation the following new section shall be substituted:—

Substitution of a new section for section 71.

"71. Government may by notification either wholly or partially, subject to such conditions as it may think fit to prescribe, exempt any liquor or intoxicating drug from all or any of the provisions of this Regulation, either throughout the State or in any specified area or for any specified period or occasion or as regards any specified class or persons."

Exception of medicated articles.

STATEMENT OF OBJECTS AND REASONS.

The Excise Committee of 1905-06 in dealing with the question of the revision of the Excise laws and rules in force in the various provinces of British India recommended that provisions for the control of denatured spirit should be inserted in the local Excise Regulations, and suggested that, when the amendment of the Regulations for this purpose were in hand, the opportunity should be taken to carry out any further amendments which might be deemed advisable. The present Bill has been prepared accordingly. Besides the provisions for the control of denatured spirit, amendments have been included in the Bill so as to bring under control the process of bottling liquors for sale which the existing Regulation does not cover and to make the provisions of the Regulation specifically applicable to the products of the coca plant. Various other matters to which attention has been drawn either by the Excise Committee's report or by practical experience of the working of the Mysore Excise Regulation, IV of 1901, have been also provided for in the Bill.

Notes on clauses.

Clause 1—Sub-clause (5)—To obviate difficulties in the control of the cultivation of the hemp and coca plants it is proposed to insert a definition of the term 'cultivation."

Clause 1—Sub-clause (8)—The Excise Regulation lays on officers in charge of Police stations the duty of taking charge of and keeping in safe custody all contraband articles seized in excise cases which may be delivered to them. Now that under the new Police scheme, only some Police stations have been retained as such and others have been converted into outposts, considerable difficulty is experienced by subordinate officers of the Excise Department, as contraband articles seized by them cannot be deposited in outposts but have to be conveyed to Police stations which in many cases are at a considerable distance. As police outposts cannot under section 4 (1) (s) of the Code of Criminal Procedure, 1904, be declared to be Police Stations for the purpose of the Excise Regulation, it is proposed to insert the definition suggested in this clause.

Clause 2.—It is proposed to insert words to provide for regulating the cultivation of the coca plant and exercising control over the collection of only those portions of the hemp or coca plant from which intoxicating drugs can be manufactured.

Clause 3 (1) and (2)—It is proposed here to make provision enabling the Government to prescribe the quantity of liquor or intoxicating drugs that may be possessed by persons or particular classes of persons and to prohibit persons or classes of persons either absolutely or subject to certain conditions from possessing any liquor or intoxicating drug.

Clause 5.—(1) As there is no privision in the present Regulation enabling Government to purchase ganja from licensed cultivators, the words "or to any officer whom the Excise Commissioner may generally or specially authorise" are proposed to be added to section 15.

(2) The second proviso to section 15 of the present Regulation is covered by the new section 71 which clause 21 proposes to substitute for the existing section 71. It is therefore proposed to strike out the proviso referred to.

(3) The third proviso to section 15 of the present Regulation is proposed to be modified so as to admit of sweet juice drawn for use as a beverage being exempted from the operations of the Regulation.

Clause 6.—(1) It is proposed to insert a new clause in section 17 of the present Regulation to legalise the collection of duty on issues of exciseable articles from a distillery or warehouse.

(2) It is proposed to omit the existing proviso to the section as exemptions are sufficiently provided for by the new section 71 which is proposed to be substituted for the existing section 71 by clause 21.

Clause 8.—It is proposed to enable license to be cancelled when the licensee is shown to have been convicted of offences punishable under certain additional Regulations. This proposal is in accordance with the recommendations of the Excise Committee.

Clause 9.—In this clause it is proposed to recast section 27 of the present regulation so as to make it applicable to manufacturers or sellers of all kinds of liquor or intoxicating drugs, as it is considered advisable to take power to require such dealers to keep proper weights and scales.

Clause 10.—It is proposed to amplify section 29 of the present Regulation in certain respects.

Clause 12.—Provision is made to enable an Excise Inspector to summon witnesses and hold an enquiry before proceeding to summon a person suspected of having committed an offence under the Regulation.

Clause 14.—In this clause provision is made for the infliction of a sufficient penalty in cases of attempts to render fit for human consumption denatured spirit and of knowingly being in possession of denatured spirit in respect of which such an attempt has been made.

Clause 15.—It is proposed to amplify the section so as to cover cases of omissions on the part of licensees and of misconduct by the employee of a licensee acting on his behalf.

Clause 16.—The offences mentioned in section 62 of the present Regulation are such as can well be dealt with departmentally, and it is accordingly proposed to omit the section from the Regulation.

Clause 18.—In this clause provision is made for the sale of confiscated articles when they are liable to speedy and natural decay or when such sale is likely to benefit the owner. This provision is borrowed from the Excise Committee's draft Bill and is likely to be useful in practice.

Clause 19.—With the view of reducing the number of prosecutions under the Excise Regulation, it is proposed to make section 67 of the present Regulation which deals with the compounding of offences, more elastic, by the inclusion of offences under sections 55, 57 and 58 of the said Regulation among those which may be compounded.

Clause 21.—In the new section 71 proposed in this clause, power is taken to exempt any liquor or drug in any local area from the operation of all or any of the provisions of the Regulation either generally or as regards any specified class. The exemption of medicated articles will thus be brought within the scope of the new section, rendering the present section 71 unnecessary.

NOTIFICATION.

No. 409—L. C., dated 27th February 1918.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Excise Regulation, 1901, is published for general information with the statement of objects and reasons.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Bill further to amend the Mysore Excise Regulation, 1901.

Whereas it is expedient further to amend the Mysore Excise Regulation, 1901, His Highness the Maharaja is pleased to enact as follows:—

Amendment of section 3 of the Regulation.

1. In section 3 the following amendments shall be made,—

(1) At the end of sub-section (1) of the section after the word "drugs" the words "but does not include a fine imposed by a court of law" shall be inserted.

(2) At the end of sub-section (8) after the word "distillation" the words "whether it is denatured or not" shall be inserted.

(3) After sub-section (8) the following new sub-section shall be inserted "(8 A) 'Denatured' means subjected to a process prescribed by the Government by notification in the official Gazette for the purpose of rendering unfit for human consumption."

(4) In sub-section (11) the word "or" occurring between the words "Batavia" and "Ceylon" shall be omitted and the words "or any other country which may be specified in the rules framed by Government from time to time in this behalf" shall be added at the end thereof.

(5) In sub-section (13) the words "or the coca plant (*Erythroxylum coca*)" shall be inserted after the words "the hemp plant (*Cannabis sativa or Indica*)"

(6) After sub-section (17) the following sub-section shall be iserted,—

"(17 A.) 'Cultivation' includes the tending or protecting of a plant during growth and does not necessarily imply raising it from seed."

(7) After sub-section (18) the following sub-section shall be inserted,—

"(18 A.) 'bottle' means to transfer liquor from a cask or other vessel to a bottle, jar or flask or similar receptacle for the purpose of sale whether any process of manufacture be employed or not and includes rebottling."

(8) After sub-section (20) the following sub-section shall be added,—

"(21) 'Police Station' includes any place which the Government may, by notification declare to be a Police station for the purposes of this Regulation."

Amendment of section 12.

2. In section 12 the following amendments shall be made:—

(1) In the first paragraph after the words "hemp plant (*cannabis sativa* or *Indica*)" the words "or coca plant (*Erythroxylum coca*)" shall be inserted.

(2) Between the second and the third paragraph the following paragraph shall be inserted,—

"no portion of the hemp or coca plant from which any intoxicating drug can be manufactured shall be collected."

(3) The word "and" occurring at the end of the fourth paragraph shall be omitted and the following new paragraph substituted after the same.—

"No liquor shall be bottled for sale; and"

Amendment of section 13.

3. In section 13 the following amendments shall be made:—

(1) In the first paragraph of the section for the words "for the whole of Mysore or for any local area" the words "or specially with regard to persons places or time," shall be substituted.

(2) In proviso (2) to the section after the words "foreign liquor" the words "other than denatured spirit" shall be inserted and for the words "purchased by" the word "of" shall be substituted.

Addition of section 13 A.

4. After section 13 the following new section shall be inserted.

"13 A. Government may by notification prohibit the possession by any person or class of persons either throughout the whole of Mysore or in any local area, of any liquor or intoxicating drug either absolutely or subject to such conditions as they may prescribe."

Prohibition of possession of any liquor or intoxicating drug.

Amendment of section 15.

5. In section 15 the following amendments shall be made.

(1) After the words "intoxicating drugs" at the end of the first proviso the words "or to any officer whom the Excise Commissioner may generally or specially authorise" shall be inserted.

(2) For the second proviso the following shall be substituted.—

"Provided also that a license for sale in more than one district shall be granted by the Excise Commissioner."

(3) In the third proviso to the section the words "by notification" shall be substituted for the words "in like manner" and the words "under such conditions as the Excise Commissioner may prescribe" for the words "in pots or other receptacles freshly coated internally with lime, for the purpose of the manufacture of jaggory."

(4) At the end of the section the following new clause shall be inserted.—

"nothing in this section applies to the sale of any foreign liquor legally procured by any person for his private use and sold by him or by auction on his behalf or on behalf of his representatives in interest upon his quitting a station or after his decease."

Amendment of section 17.

6. In section 17 the following amendments shall be made—

(1) After paragraph (*e*) of the section the following new paragraph shall be inserted—

"(ee) Issued from a distillery or warehouse licensed or established under section 12 or section 14, or"

(2) The proviso to the section shall be omitted.

Amendment of section 18.

7. In section 18 the following amendments shall be made :—

(1) In clause (*a*) of the section for the words "the distillery or brewery" the words "a distillery, brewery or warehouse licensed or established under section 12 or section 14" shall be substituted.

(2) At the end of clause (*b*) of the section the words "or issued from a warehouse licensed or established under section 14" shall be added.

(3) In clause (*f*) the words "import, export or" shall be inserted before the word "transport."

(4) At the end of the section the following proviso shall be inserted.

"Provided that when there is a difference of duty, as between two license periods such difference may be collected in respect of all stocks of country liquor or intoxicating drugs held by licensees at the close of the former period."

Amendment of section 26.

8. In clause (*c*) of section 26 of the Regulation after the words "non-bailable offence" the words "or of any offence under the Merchandise Marks Regulation, 1892, or under sections 478 and 489 of the Indian Penal Code, 1860" shall be inserted.

Substitution of a new section for section 27.

9. For section 27 of the Regulation the following shall be substituted :—

"27. Every person who manufactures or sells any liquor or intoxicating drugs under a license granted under this Regulation shall be bound—

(*a*) to supply himself with such measures, weights and instruments as Government may prescribe and to keep the same in good condition; and

(*b*) on the requisition of any Excise Officer duly empowered in that behalf at any time to measure or weigh any liquor or intoxicating drug or test any liquor in his possession in such manner as the said Excise Officer may require."

Substitution of a new section for section 29.

10. For section 29 of the Regulation the following new section shall be substituted:—

Power to frame rules.

"29 (1) Government may make rules for the purpose of carrying out the provisions of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing provision Government may make rules,—

(*a*) regulating the mode in which toddy may be supplied to licensed vendors of the same or to persons who distill spirits from it, or who use it in the manufacture of bread or jaggory;

(*b*) for determining the number of licenses of each description to be granted in any district or place;

(*c*) for regulating the number, size and description of stills, utensils, implements and apparatus to be used in any distillery;

(*d*) prescribing the instruments to be used in the testing of liquor and the tables of corrections according to temperature to be used therewith;

(*e*) prescribing the measures to be used for the sale of country liquor and the scales and weights to be used for the sale of intoxicating drugs;

(*f*) fixing for any local area the minimum price below which any country liquor shall not be sold or the retail price of any such liquor and the wholesale and retail prices of intoxicating drugs;

(*g*) defining when liquor or drugs or any kind of liquor or drugs shall be deemed to be sold retail or wholesale;

(*h*) for the warehousing of liquor and intoxicating drugs and for the removal of the same from any warehouse in which they are deposited for deposit in any other warehouse or for local consumption or for export;

(*i*) for the inspection and supervision of stills, distilleries, private warehouses and breweries;

(*j*) for the management of any public distillery or public warehouse established under section 14;

(*k*) for regulating the cultivation of hemp and coca plants, checking their spontaneous growth, the collection of those portions of such plants from which intoxicating drugs can be manufactured and manufacture of such drugs therefrom and providing, where necessary, for the extirpation from private holdings or Government lands, of such plants;

(*l*) for placing the preparation of intoxicating drugs and the storage, import, export, possession or transport of liquor or intoxicating drugs under such supervision and control as may be deemed necessary for the purposes of this Regulation;

(*m*) prohibiting the use of any article which the Government shall deem to be noxious or otherwise objectionable in the manufacture of liquor or of any intoxicating drug;

(*n*) for the grant of batta to witnesses and of compensation for loss of time to persons released by any Excise Officer under section 40 (3) of this Regulation on the ground that they have been improperly arrested and to persons charged before a magistrate with offences under this Regulation and acquitted;

(*o*) declaring the process by which spirit manufactured in or imported into the State shall be denatured;

(*p*) for causing such spirit to be denatured through the agency or under the supervision of the Excise Officers;

(*q*) for ascertaining whether such spirit has been denatured;

(*r*) regulating the power of Excise Officers to summon witnesses from a distance under section 44;

(*s*) regulating the bottling of liquor for purposes of sale

(*t*) for the disposal of articles confiscated and of the proceeds thereof;

(*u*) declaring in what cases or classes of cases and to what authorities appeals shall lie from orders, whether original or appellate, passed under this Regulation or under any rule made thereunder, or by what authorities such orders may be revised and prescribing the time and manner of presenting appeals, and the procedure for dealing therewith.

Amendment of section 31.

11. In section 31 of the Regulation for the words "any Excise or Police Officer not below the rank of Inspector or a Police Station Officer" the words "any Police Officer not below the rank of an officer in charge of a police station or any Excise Officer of a rank not below that to be specified from time to time by Government by a notification in the official Gazette" shall be substituted.

Amendment of section 48.

12. At the end of section 48 insert the following sentence :—

"The officer may also, if he considers it necessary for the investigation of the case, exercise the powers conferred by sections 44 to 47 before summoning the person suspected."

Amendment of section 55.

13. In section 55 of the Regulation the following amendments shall be made—

(1) At the end of clause (*c*) of the section the following shall be added,—

or the coca plant (*Erythoroxylum coca*) or collects any portion of such plants from which an intoxicating drug can be manufactured; or"

(2) The following new clause shall be inserted after clause (*g*),—

(*gg*) bottles any liquor for purposes of sale; or

Addition of a new section after section 55.

14. After section 55 the following new section shall be inserted :—

For rendering or attempting to render denatured spirit fit for human consumption.

"55 A. Whoever renders or attempts to render fit for human consumption any spirit whether manufactured in Mysore State or not, which has been denatured, or has in his possession any spirit in respect of which he knows or has reason to believe that any such attempt has been made, shall on conviction before a Magistrate be liable to imprisonment for a term which may extend to three months or to fine which may extend to one thousand rupees or both. For the purpose of this section it shall be presumed unless and until the contrary is proved that any spirit which is proved on chemical analysis to contain any quantity of any of the prescribed denaturants is or contains or has been derived from denatured spirit."

Amendment of section 56.

15. At the end of the first paragraph of section 56 the words "and acting on his behalf" shall be inserted and in clause (*b*) of the section for the words "does any act" the words "wilfully does or omits to do anything" shall be substituted.

Omission of section 62.

16. Section 62 of the Regulation shall be omitted.

Amendment of section 65.

17. In section 65 the words "or by means of" shall be inserted after the words "in respect of."

Amendment of section 66.

18. At the end of section 66 the following proviso shall be added :—

"Provided further that if the thing in question is likely to speedy and natural decay or if the Excise Commissioner or any other officer authorised by Government in that behalf is of opinion that the sale would be for the benefit of its owner, he may at any time direct it to be sold, and the provisions of this section shall as nearly as may be practicable, apply to the net proceeds of such sale."

Amendment of section 67.

19. In section 67 of the Regulation for the words "section 56" the words "section 55 or section 56 or section 57 or section 58" shall be substituted.

Addition of a new section after section 68.

20. After section 68 the following new section shall be added as section 68 A.

Excise Advisory Committees.

"68 A—Any Local Authority empowered by Government in this behalf may appoint Excise Advisory Committees in accordance with rules prescribed by Government for the purpose. The rights and duties of such Excise Advisory Committees under this Regulation shall be such as may be provided for by rules made in this behalf by Government from time to time and published in the official Gazette."

Substitution of a new section for section 71.

21. For section 71 of the Regulation the following new section shall be substituted:—

Exception of medicated articles.

"71. Government may by notification either wholly or partially, subject to such conditions as it may think fit to prescribe, exempt any liquor or intoxicating drug from all or any of the provisions of this Regulation, either throughout the State or in any specified area or for any specified period or occasion or as regards any specified class or persons."

STATEMENT OF OBJECTS AND REASONS.

The Excise Committee of 1905-06 in dealing with the question of the revision of the Excise laws and rules in force in the various provinces of British India recommended that provisions for the control of denatured spirit should be inserted in the local Excise Regulations, and suggested that, when the amendment of the Regulations for this purpose were in hand, the opportunity should be taken to carry out any further amendments which might be deemed advisable. The present Bill has been prepared accordingly. Besides the provisions for the control of denatured spirit, amendments have been included in the Bill so as to bring under control the process of bottling liquors for sale which the existing Regulation does not cover and to make the provisions of the Regulation specifically applicable to the products of the coca plant. Various other matters to which attention has been drawn either by the Excise Committee's report or by practical experience of the working of the Mysore Excise Regulation, IV of 1901, have been also provided for in the Bill.

Notes on clauses.

Clause 1—Sub-clause (5)—To obviate difficulties in the control of the cultivation of the hemp and coca plants it is proposed to insert a definition of the term "cultivation."

Clause 1—Sub-clause (8)—The Excise Regulation lays on officers in charge of Police stations the duty of taking charge of and keeping in safe custody all contraband articles seized in excise cases which may be delivered to them. Now that under the new Police scheme, only some Police stations have been retained as such and others have been converted into outposts, considerable difficulty is experienced by subordinate officers of the Excise Department, as contraband articles seized by them cannot be deposited in outposts but have to be conveyed to Police stations which in many cases are at a considerable distance. As police outposts cannot under section 4 (1) (s) of the Code of Criminal Procedure, 1904, be declared to be Police Stations for the purpose of the Excise Regulation, it is proposed to insert the definition suggested in this clause.

Clause 2.—It is proposed to insert words to provide for regulating the cultivation of the coca plant and exercising control over the collection of only those portions of the hemp or coca plant from which intoxicating drugs can be manufactured.

Clause 3 (1) and (2)—It is proposed here to make provision enabling the Government to prescribe the quantity of liquor or intoxicating drugs that may be possessed by persons or particular classes of persons and to prohibit persons or classes of persons either absolutely or subject to certain conditions from possessing any liquor or intoxicating drug.

Clause 5.—(1) As there is no privision in the present Regulation enabling Government to purchase ganja from licensed cultivators, the words "or to any officer whom the Excise Commissioner may generally or specially authorise" are proposed to be added to section 15.

(2) The second proviso to section 15 of the present Regulation is covered by the new section 71 which clause 21 proposes to substitute for the existing section 71. It is therefore proposed to strike out the proviso referred to.

(3) The third proviso to section 15 of the present Regulation is proposed to be modified so as to admit of sweet juice drawn for use as a beverage being exempted from the operations of the Regulation.

Clause 6.—(1) It is proposed to insert a new clause in section 17 of the present Regulation to legalise the collection of duty on issues of exciseable articles from a distillery or warehouse.

(2) It is proposed to omit the existing proviso to the section as exemptions are sufficiently provided for by the new section 71 which is proposed to be substituted for the existing section 71 by clause 21.

Clause 8.—It is proposed to enable license to be cancelled when the licensee is shown to have been convicted of offences punishable under certain additional Regulations. This proposal is in accordance with the recommendations of the Excise Committee.

Clause 9.—In this clause it is proposed to recast section 27 of the present regulation so as to make it applicable to manufacturers or sellers of all kinds of liquor or intoxicating drugs, as it is considered advisable to take power to require such dealers to keep proper weights and scales.

Clause 10.—It is proposed to amplify section 29 of the present Regulation in certain respects.

Clause 12.—Provision is made to enable an Excise Inspector to summon witnesses and hold an enquiry before proceeding to summon a person suspected of having committed an offence under the Regulation.

Clause 14.—In this clause provision is made for the infliction of a sufficient penalty in cases of attempts to render fit for human consumption denatured spirit and of knowingly being in possession of denatured spirit in respect of which such an attempt has been made.

Clause 15.—It is proposed to amplify the section so as to cover cases of omissions on the part of licensees and of misconduct by the employee of a licensee acting on his behalf.

Clause 16.—The offences mentioned in section 62 of the present Regulation are such as can well be dealt with departmentally, and it is accordingly proposed to omit the section from the Regulation.

Clause 18.—In this clause provision is made for the sale of confiscated articles when they are liable to speedy and natural decay or when such sale is likely to benefit the owner. This provision is borrowed from the Excise Committee's draft Bill and is likely to be useful in practice.

Clause 19.—With the view of reducing the number of prosecutions under the Excise Regulation, it is proposed to make section 67 of the present Regulation which deals with the compounding of offences, more elastic by the inclusion of offences under sections 55, 57 and 58 of the said Regulation among those which may be compounded.

Clause 21.—In the new section 71 proposed in this clause, power is taken to exempt any liquor or drug in any local area from the operation of all or any of the provisions of the Regulation either generally or as regards any specified class. The exemption of medicated articles will thus be brought within the scope of the new section, rendering the present section 71 unnecessary.